



COURT OF KING'S BENCH FOR
SASKATCHEWAN

CRIMINAL PRACTICE DIRECTIVE #1

CRIMINAL PRE-TRIAL CONFERENCES

REFERENCE: CRIM-PD #1

Effective: March 26, 2021

Revised: November 1, 2023

1. Pre-trial conferences will be held for all criminal cases in all judicial centres before designated criminal pre-trial judges. ¹
2. The Crown shall file with the Court and provide to the defence the Indictment in advance of the first date set for the pre-trial conference.
3. The Crown shall also file with the Court and provide to the defence the Crown's witness list in advance of the second date set for the pre-trial conference.
4. The Crown shall also file with the Court and provide to the defence, in those cases where there is no transcript of a preliminary inquiry, for whatever reason, or where there was a partial or focused preliminary inquiry, a Crown summary. The Crown summary:
 - a) shall be filed with the Court and provided to the defence prior to the second date set for the pre-trial conference;
 - b) will be kept by the pre-trial judge; and
 - c) does not form part of the court record.
5. The defence shall file a King's Bench Designation of Counsel in the attached Form A [Designation of Counsel] prior to the first date set for the pre-trial conference. In the event that the accused changes counsel a new Designation of Counsel must be filed.

¹ This is in addition to the optional pre-hearing conference held before the presiding judge as contemplated by s. 625.1(1) of the *Criminal Code* and the mandatory pre-hearing conference held before the presiding trial judge in any case tried with a jury pursuant to s. 625.1(2) of the *Criminal Code*.

6. The defence may also file any additional relevant defence materials the defence believes may enhance the pre-trial process. In the event that the defence chooses to file additional materials, they:
 - a) shall be filed with the Court and provided to the Crown prior to the second date set for the pre-trial conference;
 - b) will be kept by the pre-trial judge; and
 - c) do not form part of the court record.
7. The parties can expect that the judge who conducts the pre-trial conference will have read the transcript of the preliminary inquiry, if any, the Crown summary, and the additional defence materials.
8. Where the accused is represented by counsel at the pre-trial conference, the purpose of the pre-trial conference is to discuss whether resolution is possible and, if not, to address all issues that may promote a fair and efficient trial.
9. Where an accused is self-represented at the pre-trial conference, the parties can expect that the pre-trial judge will address the issue of whether the accused will engage counsel for trial. If so, the pre-trial judge may decide to adjourn the pre-trial conference to permit the self-represented accused to retain counsel. If the accused does not retain counsel, the pre-trial conference will normally be limited to management discussions, completion of the pre-trial conference report, and setting dates for the trial. The pre-trial conference report will include a direction that the local registrar convene a management conference with the Crown, the self-represented accused and the trial judge, upon assignment of the trial. The pre-trial judge will provide the self-represented accused with a Procedural Memorandum prepared by the Court to assist the self-represented accused in preparing for trial.
10. If going to trial, a pre-trial conference can achieve many goals, including:
 - a) narrowing issues that require attention at trial;
 - b) focusing on the trial issues and obtaining Agreed Statements of Fact on non-contentious issues;
 - c) setting schedules and trial dates;
 - d) discussing the realistic length of time required for trial;
 - e) identifying any known outstanding disclosure issues;

- f) where relevant, discussing jury selection issues, such as whether a challenge for cause is required;
 - g) discussing the number and nature of pre-trial motions;
 - h) discussing the issues upon which the trial may turn; and
 - i) identifying the witnesses to be called, expert evidence to be called and admissions that can be made.
11. The completed pre-trial conference report will be placed on the court file and will be available to the trial judge, counsel and the self-represented accused. All discussions held during the criminal pre-trial conferences are confidential and shall not be raised by either party at any Court proceeding, including the trial.
 12. The pre-trial judge will not preside at the trial of the case but, with the consent of both parties, may accept a plea of guilty and sentence the accused.
 13. Even though a case has been set down for trial and/or assigned to a trial judge, the criminal pre-trial judge may continue to manage issues that may arise from time to time.
 14. The dates on which criminal pre-trial conferences will be held in each judicial centre are posted on the Court's website.
 15. When an accused elects trial by the Court of King's Bench (in all instances, including: where the accused is ordered to stand trial after preliminary inquiry (s. 548(1)(a)); where the accused consents to committal to a King's Bench trial (ss. 549); where an accused does not request a preliminary inquiry (s. 536(2) and s. 536(4.3)); or where an accused is not entitled to a preliminary inquiry (s. 536(2.1)), the Provincial Court shall order the accused to appear before the Court of King's Bench at the next criminal pre-trial date for that judicial centre, to set a date for trial. Further:
 - a) *Where an accused has counsel* - no time need be endorsed or identified for the appearance ordered in the Court of King's Bench at criminal pre-trial pursuant to s. 536(2.1), s. 536(4.3) or s. 548(2.1).
 - b) *Where an accused does not have counsel* - (where the accused is on remand or has been released), the Provincial Court shall order the accused to appear before the Court of King's Bench at the next criminal pre-trial date for that judicial centre at 11:00 a.m., to set a date for trial, pursuant to s. 536(2.1), s. 536(4.3) and/or s. 548(2.1).

- c) *Where an accused is in custody* - It is not necessary for the Provincial Court to remand the accused to the next regular criminal pre-trial date or to any other specified date in the Court of King's Bench. Rather, the Court of King's Bench will issue a production order for any accused in custody whose attendance is required.

Chief Justice M.D. Popescul
Court of King's Bench for Saskatchewan

FORM A

IN THE COURT OF KING'S BENCH FOR SASKATCHEWAN

JUDICIAL CENTRE OF _____

**DESIGNATION OF COUNSEL PURSUANT TO SECTION 650.01
OF THE *CRIMINAL CODE***

I, _____, pursuant to s. 650.01 of the *Criminal Code*, hereby
 (name of accused)
 appoint _____

 (name and address of counsel)

to represent me for the following proceedings:

(List all charges on the Indictment, Information numbers, if any, and Indictment date.)

I acknowledge that although I have signed this designation of counsel, there are times when I must be personally present in court and that I must keep in regular contact with my designated counsel so that I will know about those times. I acknowledge that I am required to be present in court when:

- (a) any oral evidence of a witness is taken;
- (b) jurors are being selected;
- (c) an application for writ of habeas corpus is made; or
- (d) ordered by the Court to be personally present or to attend remotely.

I understand that appearance by my designated counsel is equivalent to my being present unless the Court orders otherwise and I understand that a plea of guilty may be made and a sentence may be pronounced only if I am present unless the Court orders otherwise.

I also acknowledge that if the Court orders me to be present otherwise than by an appearance by my designated counsel, the Court may:

- (a) issue a summons to compel my presence and order that the summons be served by leaving a copy at the address contained in this designation of counsel; or
- (b) issue an arrest warrant to compel my presence before the Court.

DATED at _____, in the Province of Saskatchewan, this ____ day
of _____, 20__.

(Signature of accused)

(Signature of designated counsel)

(Printed name of accused)

(Printed name of designated counsel)

(Full Address of accused)

(Full Address of designated counsel)