

ALBERTA COURT SYSTEM

Most people know there are different levels of judges and courts, but exactly what the various levels are and how they relate to each other is a mystery to many. In fact there are four levels of court plus federal courts. The role of each of these courts is outlined below:

THE PROVINCIAL COURT OF ALBERTA

The 102 judges of this court are appointed by the provincial government and sit at 100 different centres all over Alberta. All criminal cases begin in the Provincial Court and the vast majority are completed there. For serious criminal charges, the preliminary inquiry is held in Provincial Court but the trial is held at the next court level up. Twenty of the Provincial Court Judges deal exclusively with family and youth matters. Another seven deal only with civil claims where the amount claimed does not exceed \$4,000 (Small Claims Court).

The Provincial Court is headed by Chief Judge Edward R. Wachowich and there are eight Assistant Chief Judges. The proper way to refer to a judge of the Provincial Court is, for example, "Judge Saks".

THE COURT OF QUEEN'S BENCH OF ALBERTA

The federal government appoints the judges of this court. The Court presently consists of 72 judges. Thirty-three reside in each of Edmonton and Calgary, and three reside in each of Red Deer and Lethbridge. The Court sits in 19 Alberta cities and towns.

The Court deals with more serious criminal matters and most civil matters. All jury trials are held in this court. It also hears appeals from cases dealt with in the Provincial Court and reviews decisions of administrative tribunals and arbitrators.

The present head of the Court of Queen's Bench of Alberta is Chief Justice W. K. Moore of Calgary. Associate Chief Justice Allan H. J. Wachowich leads the Court in Edmonton. Judges of this court are referred to as, for example, "Mr. Justice Sinclair" or "Madam Justice Veit".

THE COURT OF APPEAL OF ALBERTA

This is also a federally appointed court. It currently consists of 14 judges led by Chief Justice Cathy A. Fraser. Chief Justice Fraser is the most senior judicial officer in the province and is called the "Chief Justice of Alberta".

The Court of Appeal hears appeals from the decisions of the judges of the Court of Queen's Bench and from some boards such as the Public Utilities Board. It sits only in Edmonton and Calgary. Appeals are heard by no fewer than three judges sitting together and occasionally five or seven judges will hear an appeal.

Except in very rare circumstances no witnesses appear in this court. Appeals are decided on the basis of transcripts of the trial in the lower court and the written and oral submissions of the lawyers.

THE SUPREME COURT OF CANADA

This is the highest court in the land. It sits only in Ottawa. It consists of nine federally appointed judges led at present by Chief Justice Antonio Lamer who is referred to as the "Chief Justice of Canada". Traditionally three judges are appointed from Ontario, three from Quebec, and one from each of the Atlantic provinces, the prairie provinces and British Columbia. The present member from the prairies is Mr. Justice Jack Major of Calgary.

The Supreme Court hears appeals from the courts of appeal of the provinces and territories. In almost all cases no appeal can be taken to the Supreme Court of Canada unless the Court has granted "leave to appeal". Leave is granted only where the Court thinks the case raises an issue of public importance. Generally that test is met in only about one out of five cases where leave to appeal is sought.

FEDERAL COURTS

In addition to these courts there is a Federal Court and a Federal Court of Appeal which function parallel to the Court of Queen's Bench and the Alberta Court of Appeal. These courts deal exclusively with cases involving the federal government or issues arising under certain federal laws such as the *Income Tax Act*. Judges of the Federal Court sit regularly in Both Edmonton and Calgary