



Legal Education
Society of Alberta

62070.00

Criminal Procedure Fundamentals

Edmonton, Alberta

Calgary, Alberta

Chair

Shannon Gunn Emery

Gunn Law Group

Edmonton, Alberta

Faculty

Hon. Judge S.E. Richardson

Provincial Court of Alberta

Edmonton, Alberta

Laura Marr

Alberta Crown Prosecution Service

Edmonton, Alberta

Joe Mercier

Alberta Crown Prosecution Service

Calgary, Alberta

Chris Millsap

Aloneissi O'Neill Hurley O'Keeffe Millsap

Edmonton, Alberta

Richard Muenz

Muenz Law Office

Calgary, Alberta

Marissa Tordoff

Alberta Crown Prosecution Service

Fort Saskatchewan, Alberta

LEGAL EDUCATION SOCIETY OF ALBERTA

These materials are produced by the Legal Education Society of Alberta (LESA) as part of its mandate in the field of continuing education. The information in the materials is provided for educational or informational purposes only. The information is not intended to provide legal advice and should not be relied upon in that respect. The material presented may be incorporated into the working knowledge of the reader but its use is predicated upon the professional judgment of the user that the material is correct and is appropriate in the circumstances of a particular use.

The information in these materials is believed to be reliable; however, LESA does not guarantee the quality, accuracy, or completeness of the information provided. These materials are provided as a reference point only and should not be relied upon as being inclusive of the law. LESA is not responsible for any direct, indirect, special, incidental or consequential damage or any other damages whatsoever and howsoever caused, arising out of or in connection with the reliance upon the information provided in these materials.

This publication may contain reproductions of the Statutes of Alberta and Alberta Regulations, which are reproduced in this publication under license from the Province of Alberta.

© Alberta Queen's Printer, 2018, in the Statutes of Alberta and Alberta Regulations.

The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

© 2018. Legal Education Society of Alberta. All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise without the prior permission of the Legal Education Society of Alberta.

ISBN-10: 1-55093-691-3
ISBN-13: 978-1-55093-691-9

Tips for Creating a Criminal Trial Preparation Sheet

Criminal Procedure Fundamentals

Prepared by:

Shannon Gunn Emery

Gunn Law Group

Edmonton, Alberta

For presentation in:

Calgary, Alberta – September 21, 2018

Edmonton, Alberta – September 28, 2018

TIPS FOR CREATING A CRIMINAL TRIAL PREPARATION SHEET

Introduction 2

Background 2

Creation of the Trial Preparation Sheet..... 2

 Title and Negative Space Surround the Title 3

 Issues 4

 Information Information 5

 Times 6

 Observations 7

Use at Trial..... 9

Conclusion 9

Client Trail Sheet

Accused’s Trial Sheet

PowerPoint – Trial Preparation Sheet

INTRODUCTION

When one is just starting out in criminal law, it can be a scary prospect. The lawyer wants a check sheet or a guide of some kind to make sure that they are not going to miss anything important. This paper will address how to organize your file and ensure that you are as well prepared for trial as possible.

BACKGROUND

Criminal law can be rather daunting as you learn just about everything by doing. While there is now a set of criminal law Rules of Court for the Court of Queen's Bench, much of what you need to know is difficult to find in a book. When I started, I really wanted a checksheet. I had drafted a number of different kinds of checksheets and found that I either lost it in the file or could not figure out how to use it effectively as a trial was ongoing.

I had also developed "questions sheets" which were supposed to help me remember the questions I was supposed to ask of each witness. These question sheets were separate from the checksheets. The checksheets were reminders of all the things the Crown had to prove at the trial, whereas the question sheets were supposed to remind me of all the things I had to cover. However, I ultimately found that I became confused with this system. I had too many pieces of paper that I had to monitor during, what seemed to me often to be, a very fast-paced trial. In addition, when the disclosure was somewhat voluminous, I found myself flipping through pages trying to find where the witness said a particular thing or where the officer made a notation of a particular time. Even though I had prepared a lot for the trial, I felt disorganized.

CREATION OF THE TRIAL PREPARATION SHEET

I finally developed a trial preparation sheet which, over the years, I have refined. It is now a very helpful tool that I use in every trial I run, without exception. I am going to outline below how I organize my trial preparation sheet. You can organize yours any way you like. I would just offer the following advice.

Make sure you use the same format for your trial preparation sheet every single time. That way, when you are in the middle of a trial which is going quite quickly, you know instantly where to look for: the date of the information, the times, the issues, sentencing information, the exhibits which have been entered in the trial up to that point etc.. The goal is to have a sheet that you can look at very briefly and understand almost instantaneously what the trial is about.