



Community Legal Information Association of Prince Edward Island, Inc.

A Guide to the Courts in Prince Edward Island

Part One: The Purpose and Structure of Our Court System

1. The Purpose of Our Courts

- Why Do We Have Courts?
- Where Did Our Court System Begin?
- How Do Courts Make Decisions?
- Common Law
- Statute Law
- What Features Distinguish Our Courts?
- The Adversary System of Justice
- What Kinds of Cases Appear in Court?
- Civil Law
- Criminal Law
- Our Constitution and the Law
- The "Paper Process" of the Law

2. The Structure of Our Court System

- Why Do We Have Different Levels of Courts
- The Courts of Prince Edward Island
- Provincial Court
- Youth Court
- The Supreme Court of Prince Edward Island
- The Trial Division
- The Appeal Division
- The Federal Courts
- The Federal Court of Canada
- The Supreme Court of Canada

Part Two: Spending The Day In Court: Court Participants and Procedures

3. Who's Who

- The Courtroom Setting
- The Participants
- Judges
- Juries
- Lawyers
- Court Staff

- Witnesses

4. What Happens in Court -- Civil Procedure

- Starting the Action
- Proving the Claim
- The Civil Trial

5. What Happens in Court -- Criminal Procedure

- First Appearance
- Who Will Try the Accused?
- Guilty or Not Guilty?
- Release From Custody
- The Preliminary Hearing
- Proving the Charge
- The Criminal Trial

6. Conclusion

Glossary

Resources

This is a completely revised and rewritten version of the Courtwatcher's Manual written by Judith Ann Blackwell and published by the Legal Services Society of British Columbia.

The text has been adapted for use in Prince Edward Island by Community Legal Information Association of Prince Edward Island, Inc. with permission from the Legal Services Society. It is intended as general legal information only and should not form the basis for legal advice of any kind.

Community Legal Information Association of Prince Edward Island, Inc. (CLIA) is a non-profit corporation and a registered charity. Its goal is to provide Islanders with understandable, useful information about our laws and our justice system.

CLIA is funded by the Department of Justice, Canada, the Government of Prince Edward Island, and the Prince Edward Island Law Foundation.

Revised August 1994

ISBN: 978-1-897436-14-1

Part One: The Purpose and Structure of our Court System

Chapter One: The Purpose of our Courts

This chapter answers the most basic questions which you'll have when you begin courtwatching. Among other things you'll learn where our court system began and how court decisions are reached. You'll also see the difference between the common law tradition in English-speaking Canada and the Civil Code in Quebec. You will look at common law and statute law and the adversary system of justice. Finally, you'll see the impact of our constitution on our laws.

Why Do We Have Courts?

As civilizations grew, and people began to live together in large communities, conflicts were inevitable. In order to settle disputes, shared values and customs eventually became formal laws. In time, courts were established to enforce those laws. The development of laws, with courts to enforce them, meant that similar actions were then treated in a similar way. People could understand, ahead of time, what the consequences of their actions would be.

Where Did Our Court System Begin?

The model for our court system comes from feudal England. Following the Norman conquest in 1066, the king began to hold court to listen to his subjects' complaints. Gradually, this responsibility was passed on to his advisers. They became judges in formal law courts: the Court of the King's Bench (for criminal cases); the Court of Common Pleas (for private conflicts) and the Exchequer Court (for monetary disputes). These courts are the basis of the English (and Canadian) court system.

How Do Courts Make Decisions?

To decide a case a court can make use of two sources of law: **common law** and **statute law** (see **glossary**). Let's look first at common law.

Common Law

When the King's courts were established in the 12th century, the judges decided individual cases on their merits and local customs. However, in time, as the judges compared notes, they began to decide similar cases in similar ways. They began to follow previous decisions. In this way, consistent and predictable decisions were introduced into law.

The law was no longer simply a matter of local custom. It became a system "common" to the whole country. This is what is meant by "common law".

Common law is judge-made law. It is a set of rules, or **precedents** (see **glossary**), from hundreds of years of cases. The decisions in these cases are published in books called law reports. As these decisions mount up, they gradually form principles of law. So it's possible today for a judge to go back to a case decided in the 1840's to find the principle of law which decides the outcome of a case.

When a judge looks at past cases to decide a current case, he or she is applying one of the most basic principles of our legal system: like cases should be decided alike. This idea of precedents remains essential for the law's stability and predictability.

Statute Law

The other source of law which judges use to decide cases is statute law. Statute law is the law created by our elected governments. So the Parliament of Canada in Ottawa creates federal laws (or statutes) for the whole of Canada. An example of this would be the *Criminal Code*. The provincial legislature in Charlottetown creates laws for Prince Edward Island, such as the *Highway Traffic Act*. Finally at the municipal level our local councils, using powers given to them by the provincial legislature, enact bylaws about town matters, such as parking.

Some statutes express the common law in writing. Others may change the common law. In areas where there is no statute law, the courts will always look to the common law. Sometimes judges use both statutes and common law. For instance, the wording of a statute might be interpreted in different ways. Then judges must look at previous cases (the common law) to make sense of the statute. One thing is certain: laws, be they common law or statute, affect our lives from birth to death. Both of these areas of law are important to you.

What Are The Features Of Our Courts?

When you enter a courtroom, especially one of the higher courts, one thing that strikes you immediately is the formal atmosphere. Judges and lawyers wear robes. Not so long ago, they wore wigs to court. These things emphasize the traditional seriousness of court proceedings.

Another feature is that the courts are open to the public. An open court system preserves fundamental human rights. Justice that is open to scrutiny is more likely to be fair and have the support of the public.

In certain exceptional cases, however, the courts can be closed to the public to protect the rights of individuals. The trials of young offenders are sometimes closed to the public.

Also, the court can prohibit press coverage of preliminary criminal hearings in order to prevent the public from pre-judging an accused person.

Another feature of our court system is its independence, or impartiality. Once appointed, judges are difficult to remove from office. This security enables them to be impartial and gives them immunity from threats and bribes. (A more detailed discussion of judges follows later.) A judge is an impartial decision-maker who comes to court with an open mind, ready to be persuaded by either side of a case.

The Adversary System of Justice

The adversary system is the structure of legal argument developed in our courts. It allows the judge to hear both sides argued vigorously. In the adversary system, each side rallies all its forces to convince the court that its argument about guilt or liability should win.

The adversary system is based on the idea that justice can be served by having opposing sides put forward their strongest case. Our adversary system leaves the presentation of the case and the evidence to back it up in the hands of each side. In some European courts the judge may take an active part in examining witnesses or probing to find guilt.

Our system is based on a belief that one person cannot search out the evidence or arguments for both sides. It is better to let each side gather all the evidence for its own position and present them to the judge or jury in court.

In court our judges rarely get directly involved to resolve differences between the opponents. The role of a judge in court is to ensure that all the procedures are properly followed, to listen to both sides of the case and to decide the outcome according to the law.

What Kinds of Cases Appear in Court?

In Canada, court cases are divided into two broad categories: civil and criminal.

Civil Law

Civil law is different from criminal law. Civil disputes always involve the private interests of individuals, groups or organizations, including the government. When they cannot reach an agreement, one of them can ask the courts to decide.

Civil law describes a wide range of disputes. A dispute may arise out of the common law or the interpretation of a particular statute, or both. For example, a civil case might be about whether a fence is on one neighbour's property or another's or whether a man will receive part of his dead sister's estate. Other civil cases may concern a person's responsibility for payments under a signed contract, or a trucking company's obligation to pay for damage caused in a traffic accident.

The courts only become involved in civil matters because an individual, group or organization has asked them to. The role of the courts in civil disputes is to provide a way of resolving conflicts; if we couldn't settle our differences in this way, we might resort to physical violence. So the courts help to maintain the rule of law not only in criminal matters, but in civil matters as well.

The participants in a civil suit are called "parties". The party starting a court action, or lawsuit, is known as the plaintiff or petitioner. The party accused of causing the damage or injury is known as the defendant or respondent.

Civil cases are generally identified by the names of the parties involved, with the plaintiff's, or petitioner's name first. A case listed as MacDonald v. Arsenault might mean that MacDonald has filed suit for compensation against Arsenault claiming that Arsenault has caused him damage or injury.

The judge decides a civil case on "the balance of probabilities". If the evidence shows that (it is more probable than not that) Arsenault's dog bit the plaintiff MacDonald, the judge will order defendant Arsenault to pay MacDonald compensation.

In other words, if the plaintiff MacDonald can prove that, on the balance of probabilities, his case is better than the defendant Arsenault's, he will likely win and Arsenault will be found responsible for MacDonald's injuries.

Criminal Law

In a criminal case it is the state, representing the interests of the whole community, which accuses an individual (or in some cases a company) of committing a criminal offence. All criminal offences are written in a statute called The Criminal Code and only the federal Parliament, the elected representatives of the whole community, can designate what is a crime. Provincial and municipal governments create "quasi-criminal" offences, which impose less serious penalties.

Because criminal law considers society as a whole as being injured by a crime, criminal actions are conducted against the accused, not in the name of an individual victim, but in the name of Her Majesty the Queen, who, as Canada's Head of State, represents the interests of society. So if Arsenault was being charged with a criminal offence, the case would be known as Regina v. Arsenault. (Regina is the Latin word for queen.)

The lawyer representing the state or the whole community is called the Crown Attorney, Crown Prosecutor, Counsel for the Queen, or Crown Counsel. This lawyer prosecutes the case.

In a criminal case, the burden of proof is on the state. The Crown Attorney must present evidence in court which establishes the guilt of the accused beyond any reasonable doubt. (This is different from a civil action where the plaintiff only has to prove his or her case according to a balance of probabilities.) The accused person is entitled to the benefit of reasonable doubt, because the consequences of convicting an innocent person are very serious indeed.

Most criminal offences are written in a book called the *Criminal Code of Canada*. Other federal statutes such as the *Narcotic Control Act* and the *Food and Drugs Act* also create criminal offences such as possession of a narcotic or selling food unfit for human consumption. A person charged with a criminal offence will have a criminal record if convicted.

To further complicate things, certain provincial statutes such as the *Liquor Control Act* and the *Highway Traffic Act*, and municipal bylaws such as parking regulations create offences known as **quasi-criminal offences** (see **glossary**). Breaking a quasi-criminal law may result in a fine or a jail term even though the offender will not get a criminal record.

Sometimes criminal law and civil law overlap. For example, if Ms Smith was driving after drinking alcohol and her driving caused an accident, she could be charged with the criminal offence of impaired driving and she could also be sued in a civil action by the victims of the accident. Ms Smith might end up in two different courtrooms facing two different cases, one criminal and one civil, arising from the same incident.

Our Constitution and the Law

In order to understand the structure of our legal system, you have to know a little bit about the Canadian constitution. A constitution lays out the basic organizing principles for governing a country. Our constitution is not just one document. Instead, it is a collection of written statutes and unwritten customs handed down through the years.

Under the original *British North America Act*, which dates from Confederation in 1867, powers to make laws were divided between the federal government and the provinces. Each division of government authority is called a **jurisdiction** (see **glossary**).

One of the jurisdictions given to the federal government was the power to pass criminal laws and decide criminal court procedure. This is why we have a single set of criminal laws for the whole of Canada. One of the jurisdictions given to the provinces was the power to pass laws concerning "property and civil rights". That is why the provinces pass laws about buying or selling a house, for example, and about human rights.

Another section of the *British North America Act* gave the provinces the responsibility for the administration of justice within their own province.

Our Canadian constitution has undergone a dramatic change in recent years. Under the *Constitution Act, 1982*, the Parliament of the United Kingdom ceased to have any role in Canadian affairs. Now our constitution can only be changed if the federal and provincial governments agree.

An important addition to our constitution is the *Canadian Charter of Rights and Freedoms*, which guarantees certain democratic, legal and equality rights for all Canadians. Any law that is inconsistent with the Charter can be declared invalid by the courts. Since the Charter was introduced, the courts have been very busy deciding which laws may actually come in conflict with it.

In this chapter you've seen that when we talk about the courts interpreting the law, we're actually describing something quite complex. "The Law" is not a single entity. We have the common law, which we've inherited from England and which has further developed in this country. We have statute law, those laws which are passed by legislation. Finally, we have the Constitution, which spells out the responsibilities of the federal and provincial governments in passing laws and which, under the Charter, guarantees us certain rights and freedoms.

Furthermore, you've seen that court cases can be divided into two broad areas: civil law and criminal law. Each area follows different procedures in order to deal with different kinds of legal problems.

You've also seen that our court system uses an adversary system of justice: each side puts forward the best evidence and arguments it can. The judge, acting as an impartial decision-maker, then determines the facts in the case and applies the law to those facts.

Finally, you've seen that our courts are open to the public, so that each of us can go along and see if the rights of the individual are being protected. One of your rights as a citizen is to be a courtwatcher.

In order to really understand what's going on in court, however, you need to know something about the structure of our court system.

THE "PAPER PROCESS" OF THE LAW

One of the first things that will strike you as a courtwatcher is how much the system depends, from beginning to end, on documents. Without the right pieces of paper, the whole affair would grind to a halt.

Written documents are a vital part of the legal process. Think, for example, of a will, or a written contract, or a petition for divorce. In a civil action, the plaintiff prepares documents detailing the claim and describing the amount which he or she is seeking in compensation; the defendant also produces a document, outlining his or her position about the claim.

Documents are also important in a criminal proceeding. For example, the accused may make a statement, which can be introduced as evidence in court. Sometimes this paper process of the law makes people think that the legal system is an alien entity which they can't hope to understand. The paper process is very different from the way we talk to our friends in our daily lives.

But the paper process is essential, because it enables the various actors in the case to have the same information. It ensures the system's consistency, objectivity and rationality. It's also practical: it means that everyone involved doesn't have to gather in the same room every time one of them has something to say.

As you read through this booklet, and as you watch in the courtroom, be on the lookout for this paper process of the law. See how documents are used to begin an action, to bring witnesses into court, to present facts and to settle a case.

Chapter Two: The Structure of our Court System

Before you go into a courtroom, you'll want to know what kind of court it is, and what kinds of cases you can expect to find it handling. This chapter provides a quick tour of the court system, looking at the different levels of courts and the work that they do.

Why Do We Have Different Levels Of Courts?

Our court system allows for the law to be interpreted in the same way across Canada. Generally speaking, the least serious cases are dealt with at the lowest level of courts, the more serious cases go to the middle level, and the most serious cases of all go to the highest courts. At the top of this hierarchy, we have the Supreme Court of Canada. It is this court which unifies our legal system: all of the other courts are bound to follow what it decides.

The hierarchy of courts means that it is possible to appeal a decision. If we had only one level of courts, people who felt their cases had been improperly decided would have nowhere else to go to seek a better result. In our system, the higher courts can change a lower court's decision on appeal.

It makes sense to have different levels of courts to deal with a range of cases in a variety of ways. Slapping someone, for example, is a much less serious offence than murder. So a minor offence is dealt with in a lower court, where it takes less time and costs everyone less money.

Each level of court has a specific area of authority, called its jurisdiction. The procedures for deciding which court has jurisdiction in a civil case have been set down by the provincial legislature. The federal Parliament has decided which courts will try the various kinds of criminal cases, and has established other courts to deal with matters within federal jurisdiction, such as taxation and immigration.

Each level of court also has its own rules for procedure. These rules cover the kinds of documents which must be used to start an action, the time limits that apply, and so on.

THE COURTS OF PRINCE EDWARD ISLAND

Provincial Court

In criminal matters, there are certain offences over which Provincial Court has absolute jurisdiction. This means that the accused person has no choice concerning the court in which he or she will be tried. There are other criminal offences where the accused may elect to be tried in either Provincial Court or in the Supreme Court. There are no jury trials in Provincial Court. In Prince Edward Island, Provincial Courtrooms are found in the courthouses at Charlottetown, Summerside, Alberton, Souris and Georgetown.

The Provincial Court on Prince Edward Island is served by three judges appointed by the provincial government. These judges must be lawyers in good standing in the Law Society of Prince Edward Island for at least five years before their appointment.

Provincial Court Judges are addressed in court as "Your Honour". One judge serves as the Chief Judge of the Provincial Court.

The cases heard in Provincial Court involve criminal law or law that is referred to as quasi-criminal, such as offences under the provincial *Highway Traffic Act*. Provincial Court Judges also hear cases relating to federal statutes, such as the *Fisheries Act* or the *Narcotic Control Act*.

As a courtwatcher, you will notice that the atmosphere in Provincial Court is less formal than the atmosphere in the Supreme Court. Lawyers appearing in Provincial Courts do not have to wear the black barristers' robes that must be worn in Supreme Court.

An appeal of a decision from a Provincial Court Judge will be heard in either the Supreme Court Trial Division or the Supreme Court Appeal Division, depending on the nature of the offence. If there is an appeal from a **summary conviction offence** (see glossary) or less serious offence, the appeal will be heard by one judge of the Supreme Court Trial Division. If there is an appeal from a conviction on an **indictable offence** (see glossary), a serious offence, the appeal will be heard by three judges of the Supreme Court Appeal Division.

Youth Court

On PEI, we also have a Youth Court which is set up under the federal *Young Offenders Act*. Our Youth Court sits weekly and is presided over by one of our three provincial court judges. Young people charged with a crime who are 12 years old (or older) but under age 18 appear in Youth Court. At age 18 a person becomes an adult in the eyes of the law, and goes to the adult court system. As a courtwatcher, you will see that the anonymity of young people charged in Youth Court is protected by the court. Their names may not be published in the papers or broadcast on radio or television. This is unlike normal Provincial Court or Supreme Court hearings where the accused's name may be published unless the judge orders a ban on publication.

Cases may be appealed to the

SUPREME COURT OF CANADA

/\

SUPREME COURT OF P.E.I.

APPEAL DIVISION

(Not a trial court) Hears matters appealed from the decisions of
Lower Courts

/\

SUPREME COURT OF P.E.I.

TRIAL DIVISION

Hears civil cases

Hears very serious criminal offences, and some appeals from lower courts.

Hears family matters and estate matters

Hears civil cases involving claims of less than \$8,000

ESTATES SECTION; FAMILY SECTION; SMALL CLAIMS SECTION; GENERAL SECTION

/\

PROVINCIAL COURT

Hears 90% of P.E.I.'s criminal matters, conducts preliminary inquiries; and handles quasi-criminal offences such as traffic offences or offences under the *Liquor Control Act*.

YOUTH COURT

Provincial Court Judges also hear Youth Court cases.

The Supreme Court of Prince Edward Island

The Supreme Court of Prince Edward Island is a superior court with the authority to hear civil and criminal cases. The Supreme Court of Prince Edward Island has two levels, a Trial Division and an Appeal Division. The Trial Division has at least four judges, one of whom is named as Chief Justice of the Trial Division. The Appeal Division of the Supreme Court has at least three judges, one of whom is the "Chief Justice of Prince Edward Island". Supreme Court judges are appointed by the federal government.

The Supreme Court of Prince Edward Island sits in each of the three counties of Prince Edward Island, in Charlottetown, Georgetown, and Summerside. There are two regular sittings of the Supreme Court each year for criminal and civil jury trials in each county. For all other non-jury civil and criminal cases, the Supreme Court sits on a regular basis throughout the year. Normally, all proceedings in the Provincial and Supreme Courts of Prince Edward Island are open to the public.

While in the court room, judges of the Prince Edward Island Supreme Court are addressed as "My Lord" or "My Lady", "Your Lordship" or "Your Ladyship". This is a tradition which we have adopted from Britain.

Supreme Court -- Trial Division

The Trial Division of the Supreme Court consists of four different sections. An Estates Section which deals with Wills and Estates. The **Family** Section which deals with marriage, divorce, property rights of spouses, support obligations, custody of children and other family matters. A **Small Claims** Section which has jurisdiction over all cases involving a debt or demand less than \$8,000.00. The **General** Section which has jurisdiction over everything not covered by the other sections (both civil and criminal matters and some appeals from Provincial Court).

Supreme Court -- Appeal Division

The Appeal Division of the Supreme Court of Prince Edward Island is the province's highest level court. Three judges sit together to hear appeals from decisions of the Trial Division and sometimes directly from Provincial Court.

In certain circumstances, leave (or permission) must be obtained from the Appeal Division before it will hear an appeal from the court below. The Supreme Court of Prince Edward Island, Appeal Division is considered a lawyers' court because the accused, or the parties involved in the dispute, hardly ever present their own cases to the court. This is because appeals are often very technical and are made on points of law, not on the facts of the case.

The Appeal Court rarely hears witnesses, it reviews the written transcript of lower court proceedings. Appeals can be based on the judge's decision, the sentence imposed, the facts of the case or, in civil cases, the amount of compensation awarded. The provincial government can also refer certain matters for decision directly to the Supreme Court of Prince Edward Island, Appeal Division.

The next stop on the tour is the federal court system. It includes the Tax Court, the Federal Court and, at the top of the Canadian Judicial System, the Supreme Court of Canada. The Supreme Court of Canada is the final appeal court for the whole country, and it can rule on all questions of law, including constitutional issues.

THE FEDERAL COURTS

The Federal Court of Canada

Like most other federal agencies, the Federal Court is based in Ottawa, but its judges travel about the country "on circuit". The Federal Court deals with civil matters involving disputes by individuals, groups or provincial governments with the federal government of Canada. It also hears cases in specialized areas of federal law, including patents, customs and excise, immigration and maritime law.

The Federal Court is divided into a Trial Division and an Appeal Division. The Trial Division hears the initial dispute and if either party is unhappy, the decision can be appealed to the Appeal Division. Some cases, Immigration Board or Tax Court cases for example, by-pass the Trial Division and go directly to the Appeal Division. Federal Court decisions can be appealed to the Supreme Court of Canada.

The Supreme Court of Canada

The Supreme Court of Canada in Ottawa is where everything stops. It was established in 1875 and is the final court of appeal for any dispute (civil or criminal) decided in any court in Canada.

The Chief Justice of the Supreme Court and eight other judges head the judicial hierarchy in Canada. They are appointed by the federal cabinet and at least three of the nine justices must be from Quebec. This is because the court must hear appeals from Quebec courts under the Quebec Civil Code, which is different from the English tradition of common law found in the rest of Canada. Quebec's Civil Code comes from the French tradition which, in turn, was based on Roman Law. The Quebec Civil Code has remained a separate system of law since 1763.

Other justices in the Supreme Court of Canada represent the Atlantic Provinces, Ontario and the West.

Cases which go to the Supreme Court are heard by three, seven or all nine members of the court.

The Supreme Court of Canada is very formal. The justices and staff are specially gowned, as are the lawyers who appear before the court. Like the Supreme Court of Prince Edward Island, Appeal Division, it is a lawyers' court because the accused or the parties involved in disputes rarely present their own cases to the court.

The Supreme Court of Canada agrees to hear only a limited number and type of appeals. In criminal or civil cases, the court will normally hear an appeal only if the case involves an important application of the law which has national significance. Sometimes the court will hear disputes between provinces or between the provinces and the federal government.

The federal government can refer matters to the Supreme Court of Canada to resolve. Most often, these would deal with constitutional issues concerning the validity of a particular law.

Supreme Court of Canada decisions must be followed by all the other courts in Canada and usually establish legal principles of national importance. Because their impact is farreaching,

Supreme Court decisions are widely reported in the media.

The court structure may seem complex at first. But you don't have to know everything at once, and you can refer back to this chapter if you have questions while courtwatching.

Due to the small geographic size and population of Prince Edward Island, our court structure is not as complex as it is in the other provinces of Canada. As you have seen, we have a provincial court system which is always the first court level for people charged with a criminal or quasi-criminal offence. Decisions of provincial court judges may be appealed to the Supreme Court of Prince Edward Island.

The Supreme Court of Prince Edward Island consists of two levels, the Trial Division and the Appeal Division. The Trial Division is divided into four sections which include: a Family Section, Estates Section, Small Claims Section, and a General Section. Appeals from a decision of a Trial Division judge are taken to the Appeal Division, where they are heard by an Appeal Court consisting of three judges. This is the final level of the court process in Prince Edward Island. However if a party involved in a case still believes that justice has not been done, one level remains, an appeal to the Supreme Court of Canada, which sits in Ottawa.

Part Two: Spending the Day in Court - Court Participants and Procedures

Chapter Three: Who's Who

By now you know something of the purpose and the structure of the court system and you're ready to spend the day in court. When you get there, you'll want to know who the participants are. This chapter reviews the roles which judges, juries, lawyers, court staff and witnesses play in court.

The Courtroom Setting

The basic courtroom has changed little over the years. It is a formal room where trials can be heard in a dignified atmosphere. Judges sit at a raised bench at the front of the room. A picture of the Queen or the provincial coat of arms behind the bench symbolizes the authority given to judges. In Prince Edward Island courts a railing (literally the Bar) separates the public gallery from the area where the trial is conducted.

Seating arrangements are different in Provincial Court and the Supreme Court. This is mainly because the higher courts must accommodate juries. But the basic shape of the courtroom has developed so that the main participants -- judge, jury, accused, and witnesses -- can face one another. Lawyers are placed in the middle of the room so that they are free to question witnesses and speak to the judge and jury. This arrangement also permits everyone to hear what is being said and allows court reporters to obtain an exact record of the proceedings.

All Prince Edward Island courts are courts of record. This means that it is possible to obtain transcripts of the proceedings in most cases. The press is normally permitted to print the details of court cases in the newspaper, but television cameras and tape recorders are forbidden inside the courtroom.

The Participants

Judges

In court cases where there is no jury, the judge is first the "finder of fact". This means that the judge has to decide what really happened. Only when the judge has fulfilled the role of "finder of fact" can he or she act as "finder of law". This means that the judge then has to decide how the law applies to these facts and has to make a judgement.

As we have mentioned before, our judicial system depends on the ability of judges to make independent, unbiased decisions. For this reason, judges cannot become involved in politics or private business. Judges represent the justice system; they must maintain the highest moral standards or the judicial system itself would be brought into disrepute.

Judges are expected to be cautious when they discuss past cases and do not comment outside the courtroom about cases that are going on before them. If judges are aware of information that affects their attitude towards an accused or a party in a civil case, they must disqualify themselves from trying the case.

If a judge loses the ability to make impartial, independent decisions, he or she can be removed from office.

Juries

Although most cases in P.E.I. are decided by a single judge, some cases are heard by a group of men and women, adult Canadian citizens, who have been chosen for jury duty. Juries of 12 people sit on serious criminal cases such as murder or treason. There are also other criminal cases in which the accused can "elect", or choose, a jury. Civil juries are made up of seven people and are seldom used in P.E.I. Like a judge, jurors are expected to make up their minds independently and are not allowed to discuss the details of a case outside the courtroom.

In court, the role of the jury is to act as the "finder of fact". The judge remains as "finder of law". This role of the jury reflects our society's belief that the average adult has learned through experience the various things that indicate whether or not another person is telling the truth.

The jury system allows people from the community to be part of the court system and brings a necessary balance and fresh point of view to legal decisions. Juries ensure that the courts remain in touch with community values and don't become the exclusive domain of legal experts.

In any event, the judge does give the jury some assistance in understanding the case. For example, a judge will sum up the evidence and explain points of law. Also, since the rules of evidence are complex, the judge will decide what evidence can be placed before the jury and what evidence should be kept out. Sometimes in a criminal case a judge will decide that the Crown has not presented enough evidence on all the points necessary to convict an accused, and will direct the jury to return a verdict of not guilty or dismiss the charge. Finally, if the jury finds the accused guilty, it is the judge who decides what sentence will be imposed.

Lawyers

In Part One we saw how the Canadian constitutional system has created a complex network of laws; federal, provincial, and municipal. Lawyers are often needed to sort these out. A lawyer has specialized knowledge to help people solve their legal problems. Often these problems can be resolved long before they become a courtroom battle. A lawyer has a duty to obey his or her client's wishes as long as they are compatible with the standards of conduct set down by the legal profession. In court, a lawyer has an obligation to introduce all the evidence and all of the legal arguments for the client.

Besides serving the interests of their clients, lawyers are officers of the court and are obliged to help the court reach an honest and just decision. In court, they call one another "my friend" or "my learned friend" to show that they recognize their kinship in the legal profession, despite the fact that in the present case they may be adversaries.

In criminal cases, accused people can defend themselves. Parties in civil disputes may also represent themselves in court, especially in small claims court. But most people choose to have a lawyer represent them in order to put forward the best possible case.

Court Staff

The people who are responsible for the day-to-day operation of our courts play an important part in the administration of justice. Court clerks assist the judge in the conduct of a case, looking after documents and records, calling the case and swearing in witnesses. In Prince Edward Island they also make sure that an accurate record is kept of court proceedings. Sheriffs are responsible for court security and looking after juries and prisoners.

Witnesses

One of the best ways to prove the facts in a case is to subpoena (see glossary) a person who has special knowledge of the case to come to court and give evidence, or testify, under oath. Most witnesses are "compellable", which means that they have to obey this court order. However, accused persons cannot be made to take the stand and testify against themselves.

A witness must be "competent" which means they must be sound in mind and mature enough to be able to tell the court the facts. There are also certain rules which restrict the kinds of questions witnesses can be asked.

Now that you've reviewed who's who, you'll want to know exactly what they're doing in the courtroom.

Chapter Four: What Happens in Court: Civil Procedure System

The rules and procedures governing civil trials are complex. The following is a summary of the general steps involved in starting a civil action and carrying it through to trial in the higher courts.

Starting the Action

At the beginning of a civil case, the parties exchange informal letters, and, if the matter is not settled, various documents pass through the court registry from one party to another. Remember what we said at the end of Chapter One about the "paper process" of the law? This exchange of documents in the early stages of a civil case allows both sides to understand what's going on and to weigh the strength of each other's case. Many civil actions do not go beyond this.

Take the example of a plaintiff who claims \$60,000.00 from an insurance company for coverage of a fire that destroyed her grocery shop. The defendant insurance company may be willing to pay part of the claim, but may argue that the shop was only worth \$30,000.00. The plaintiff may very well decide to settle for the \$30,000.00 rather than go to all the expense of a trial. In fact most often a compromise is reached before a civil suit goes to trial. This is very different from a criminal action where the victim of a crime will probably appear as a witness for the Crown, but has no personal control over the proceedings, and cannot stop them.

Proving the Claim

The plaintiff in a civil case does not have to prove the claim beyond a reasonable doubt, as the Crown must do in a criminal case. Instead, the court makes a decision "on a balance of probabilities." In other words, when the parties dispute what actually occurred, the court must find which side's evidence is more probably the truth, and apply the law to that. You could think of it in terms of evidence being placed on a scale: the court will find in favour of the side which weighs in with the best evidence.

The Civil Trial

For courtwatching, you don't need to know all about the complex rules of evidence and procedure which apply to civil trials, but the following brief overview will be useful. Civil trials go something like this: The lawyer for the plaintiff makes an opening statement and calls witnesses to support the plaintiff's position.

After each witness gives evidence for the plaintiff, the defendant's lawyer has a chance to cross-examine them. Following this, the plaintiff's lawyer may re-examine the witness on any new matters which may have been raised by the defendant's lawyer during cross-examination.

This is called a rebuttal.

At the end of the plaintiff's case, the defendant's lawyer can call witnesses to support the defendant's position. They are, in turn, cross-examined by the plaintiff's lawyer. Again, the defendant's lawyer is given the opportunity to re-examine the witnesses on new matters which may have been raised by the plaintiff's lawyer during cross-examination. After closing statements by the two lawyers, the judge or jury gives a verdict. A civil suit may be stopped at any time if the parties can reach an out-of-court settlement. The role of the judge is to look at areas of agreement between the parties, and to state the issues clearly. Having had the facts decided for them by the judge, the parties may be able to resolve the dispute themselves. However, if they are still unable to agree, the judge will decide the matter for them.

There are some civil actions that do not go to trial. In certain emergencies, or when the opposing side consents or fails to put up a defence, the court can look at the documents presented by the plaintiff's lawyer and grant an order or give judgement without a trial. Certain cases however, require a trial even if the other party does not dispute them. Under our former divorce laws (prior to the new federal Divorce Act of 1985) the petitioner in an undefended divorce action still had to appear in court to prove the validity of the grounds for divorce. Now, this information can be given in written form in a sworn affidavit.

There are also some civil matters where, once the court has become involved in the action, an agreement by both sides may not be enough. These are cases where the public has an interest in the outcome. For example, child custody and maintenance agreements may be reviewed by the court to ensure that the arrangements agreed to by both sides are adequate.

The Civil Trial

- The plaintiff's lawyer introduces evidence and witnesses.
- The defendant's lawyer cross-examines the plaintiff's witnesses.
- The defendant's lawyer introduces evidence and calls witnesses.
- The plaintiff's lawyer cross-examines the defendant's witnesses.
- Each side has an opportunity for rebuttal.
- Each side makes closing statements.
- The judge (or in a few cases, a jury) gives a decision.
- The judge decides the outcome. For example, the judge may find the defendant not liable, and dismiss the case. Or the judge may find the defendant wholly or partially liable and order payment of damages.

Chapter Five: What Happens in Court: Criminal Procedure

The rules and procedures covering criminal cases and those provincial offences called quasi-criminal offences are found in both the common law and statutory law. If you want to learn more about criminal law, a good place to start is the *Criminal Code of Canada*, which is a federal statute. Several editions of the Code are available, but annotated Codes such as *Martin's Annual Criminal Code* contain not only the wording of the offences and procedures, but also short descriptions of how the law has been applied in specific cases.

First Appearance

In most cases a person charged with an offence first appears in court before a Provincial Court judge.

At a first appearance, the accused is formally charged with the offence and asked if the charge is understood. At this stage, the court is concerned with three issues. If a choice is possible, what kind of court does the accused want to hear the case? If the Provincial Court has jurisdiction in this matter, how will the accused plead to the charge? If the accused is in custody, should he or she be released while awaiting trial?

Who Will Try the Accused?

The *Criminal Code* sets out the procedure which determines which courts have jurisdiction to try offences. It establishes three categories of offences: summary conviction offences, indictable offences, and what are known as hybrid, mixed or dual procedure offences.

In order to deal with these differences, the *Criminal Code* outlines different procedures for summary conviction and indictable offences. The so called hybrid offences are ones in which the Crown Attorney, or prosecutor, can proceed either way - by summary conviction or **indictment** (see glossary). The choice is up to the Crown; the accused has no say in it even though the consequences of proceeding by indictment may be more serious.

First Appearance (Summary Conviction Offence)

The accused is formally charged with the offence; this always happens in Provincial Court.

The judge or court clerk asks the accused if he or she is ready to enter a plea. The accused can:

- plead guilty;
- plead not guilty; or
- ask for an adjournment, to seek legal advice.

If the accused pleads guilty, the judge may adjourn the matter to another date for sentencing, sentence the accused right away, or ask for a report to be prepared by a probation officer and set a later date for sentencing.

If the accused pleads not guilty, the judge will usually set a trial date.

If the accused asks for an adjournment, the judge will set another appearance date, in the near future.

If the accused is in custody, the first appearance may include a **show cause** (see glossary) hearing.

The provincial quasi-criminal offences we have mentioned, such as speeding or drinking under age, are tried in Provincial Court. All *Criminal Code* summary conviction offences such as disturbing the peace, and a few hybrid or mixed offences such as theft under \$1,000.00 are also automatically tried in Provincial Court.

At the other end of the scale of seriousness there are the indictable offences which the *Criminal Code* says must be tried in Supreme Court. These include such offences as treason, piracy and murder. In the broad middle range of the scale are the hybrid offences which do not fall into the absolute or sole jurisdiction of either Provincial Court or Supreme Court.

Once the Crown Attorney has decided to proceed by way of indictment in this broad middle area, the accused has a choice of courts. This choice is known as an "election". An accused who is charged with assault causing bodily harm, for example, has a choice of three court formats: Trial by Provincial Court judge, Supreme Court judge or Supreme Court judge and jury.

If a Provincial Court judge is chosen, the entire trial will be heard in Provincial Court. But if the accused chooses either of the other options there will normally be a preliminary hearing in Provincial Court to determine whether there is enough evidence to send the case on to a higher court.

The Plea: Guilty or Not Guilty

Whichever choice is made, there comes a point when the charge is read and the accused faces a major decision: to plead guilty or not guilty. If the trial is to proceed in Provincial Court the accused may be asked to make this decision right away at the first appearance in court. Often the judge grants an adjournment of one or two weeks however, to allow the accused to seek the advice of a defence lawyer.

If the plea is "guilty", the next thing that happens is a sentencing hearing. The Crown Attorney and the defence lawyer usually make recommendations about an appropriate

sentence. For example, the Crown Attorney may ask for a harsher penalty if the accused was uncooperative during the arrest or has a previous criminal record. On the other hand, the defence may ask for a minimal penalty, pointing to extenuating circumstances or the fact that the accused has made some personal progress since the offence occurred, such as joining Alcoholics Anonymous or starting a job.

Sometimes a judge will refuse to accept a guilty plea if it appears that the accused does have a defence. In such cases the judge will enter a plea of not guilty and set the case down for a preliminary hearing or trial.

If the plea is "not guilty", the judge sets a trial date which is usually some weeks or months later. An accused who is not in custody is free to go about his or her business until that court date.

Release from Custody

Most people charged with minor criminal offences are not arrested by the police or are released shortly after their arrest on condition that they attend court at a later date. If the accused has been arrested and kept in jail, it is the Provincial Court judge who rules on **bail** (see glossary) or release from custody in all but the most serious crimes.

An accused person in custody has the right to a show cause hearing which determines whether the accused can be released before the trial, and on what terms. The "judicial interim release" laws set out in the *Criminal Code* give the court guidelines for the release of prisoners awaiting trial.

Generally speaking, the judge must order release unless the Crown Attorney can show cause why the accused should be detained. There are exceptions to this basic rule, however. People charged with very serious crimes, for example, or people already facing other charges have to convince the court that they should be released.

In a show cause hearing, the prisoner is led into the courtroom from the holding cells and stands in the prisoner's dock. Sometimes the Crown Attorney looks at the case, decides not to object to the release and does not "show cause". The judge will then release the accused on an **Undertaking to Appear** (see glossary).

When objecting to release, the Crown Attorney may use a number of arguments, including for instance that the accused is unemployed, has no family or roots in the community, and has a previous criminal record or history of failing to show up for court. In response, the defence emphasizes the good points, perhaps arguing that the accused has a job starting next week, does have parents living just outside the city and has not had a brush with the law for several years. The judge balances public risk against the principle that an accused person, who is innocent until proven guilty, should retain his or her freedom until conviction.

Often the accused is released on an Undertaking to Appear or a **Recognizance** (see glossary) with certain conditions attached. The accused may be ordered to report to the police or probation services at regular intervals, to avoid contact with certain people, to remain in the court's jurisdiction, and so on. A **surety** (see glossary), may also be required.

If the accused is not released, custody continues until the trial date. Under these circumstances, the court and the defence lawyer will attempt to get the earliest trial date possible in order to shorten the waiting period in jail. If, while waiting in custody, the accused changes his or her mind and decides to plead guilty after all, the defence lawyer will try to obtain an early date for sentencing.

The Preliminary Hearing

As we have said, a preliminary hearing or preliminary inquiry takes place when an accused who is charged by way of indictment chooses a trial in Supreme Court. Although it may seem that the accused has already gone through a great deal by this stage, the preliminary hearing is the first real presentation of the Crown's case in court.

It resembles a trial in that the Crown Attorney presents the basic elements of the case against the accused. Because the accused is considered innocent until proven guilty, the onus or responsibility rests with the Crown to establish that there is enough evidence to justify a trial in Supreme Court. The accused does not have to enter a plea until the case goes to the higher court for trial, and the judge does not have to decide whether the accused is guilty or innocent at this stage. The defence is not obliged to call evidence and rarely does so.

The preliminary hearing is a useful opportunity for the accused to find out the strengths and weaknesses of the Crown's case even if it is clear from the start that the Crown will be able to prove the basic case. If there is not enough evidence, the judge will discharge the accused who is then free to go.

Proving the Charge at the Trial

At the trial itself, it is up to the Crown Attorney to prove guilt beyond a reasonable doubt. If the Crown fails to present the necessary evidence or if the defence succeeds in challenging the Crown's evidence, a judge or jury cannot convict.

A finding of not guilty may be based on the facts (eg. conflicting evidence), or on a legal defence. A basic concept underlying our criminal law tradition is the principle that a guilty act must be accompanied by a guilty mind. A common legal defence, therefore, is the argument that insanity or intoxication made the accused not responsible for his or her actions.

In most first-degree murder trials for example, the Crown must prove that the accused planned and intended to murder the victim. But the defence lawyer may argue successfully that the accused was so drunk that he or she was unable to form an intention or plan to commit murder. Such a defence may result in a finding of second-degree murder or manslaughter, and a milder penalty. Second-degree murder and manslaughter are called lesser **included offences** (see glossary) to the charge of first-degree murder.

The Criminal Trial

Criminal trials are similar in some ways to trials in civil courts. The Crown Attorney calls witnesses to prove the case against the accused and the accused or the defence lawyer has a chance to cross-examine them to bring out evidence in favour of the accused.

To make its case, the Crown introduces evidence which is governed by strict procedural rules. Certain types of evidence are always excluded; other types are excluded under particular circumstances. The judge may exclude evidence because it is not relevant to the charges or because it is **hearsay** (see glossary). If either side disputes what information should be allowed, the judge may hold a **voir dire**, (see glossary) to decide whether to allow it as evidence. In a jury trial, the jury will be sent out of the room during the voir dire and will only hear the evidence if the judge finds it acceptable.

Both the Crown Attorney and the defence must follow the rules of evidence when questioning witnesses. Neither the Crown nor the defence can ask leading questions of witnesses for its own side. For example, a witness subpoenaed by the Crown in a robbery case could not be questioned by the Crown in this way: "Did you see the accused go up to the bank teller and demand the money?" This is called a leading question because it suggests its own "yes" or "no" answer. Instead the Crown Attorney might ask the witness, "Where were you and what did you observe on the afternoon of December 20th, 1990?" This kind of question allows witnesses to use their own words.

But leading questions are allowed when they are asked by the opposing side. For example, the defence lawyer could ask the witness: "I put it to you that you could not have possibly seen the robbery because at the time you were in the loans' manager's office discussing your mortgage renewal, were you not?"

When the Crown has finished presenting its case, the defence may make a procedural motion asking the court to dismiss the charge altogether because the evidence is incomplete, or to find the accused not guilty because the evidence is insufficient to establish the guilt of the accused beyond a reasonable doubt. If the judge denies the motion, the defence may call its own witnesses and the Crown, in turn, may cross-examine them.

After the Crown and defence have finished presenting their case, the judge will hear closing arguments about which facts are true and what law applies to the case. If the accused has entered a defence by calling witnesses or testifying, the closing arguments for the defence must be presented first and the Crown has the last word. If the accused has not presented evidence, the Crown's argument is first and the defence follows.

Whichever side goes first has a right for rebuttal.

Finally, the trial reaches the conclusion which everyone has been waiting for: the verdict. If it is a trial by judge alone, the judge, after considering the evidence, must decide either that the accused is guilty as charged or guilty of a lesser, "included" offence, or must acquit the accused. If this is a jury trial, the judge sums up the case and instructs the jury on the law. Then the jury retires to decide the verdict.

If the accused is found guilty, the judge must then consider what sentence or punishment to impose. Broad guidelines for sentencing are set out in provincial statutes and the *Criminal Code*. The judge will also look at precedents, sentences passed by other judges in similar cases. Within these guidelines, a judge can hand out a wide range of sentences. Before deciding the sentence, the judge will hear submissions from both the Crown and the defence about what sentence is appropriate. In addition the judge may delay the

passing of sentence until a pre-sentence report or other assessment has been prepared by probation officers.

The Criminal Trial Procedure

(The accused may change his or her plea to guilty at any time during the trial.)

- The Crown Counsel introduces evidence and witnesses.
- The defence lawyer cross-examines the Crown's witnesses.
- The defence may ask for the case to be dismissed. This is called a "no evidence motion".
- If the judge refuses the motion, the defence introduces evidence and witnesses.
- The Crown Counsel cross-examines the defence witnesses.
- Each side makes closing arguments.
- If the accused has entered a defence, the defence goes first.
- If the accused has not entered a defence, the Crown goes first.
- A verdict is reached.
- If the trial is by judge alone, the judge reaches a verdict.
- If the trial is by judge and jury, the judge instructs the jury and the jury reaches a verdict.
- If found not guilty, the accused is free to go.
- If the accused is found guilty, the judge hears sentencing submissions from the Crown and the defence. The judge may order a pre-sentence report. Finally, the judge sets the sentence.

If you are courtwatching at either civil or criminal proceedings, take this book with you. You can use Part Two, in particular to review what's going on and what will happen next.

Conclusion

The court system in Prince Edward Island is the product of centuries of legal decisions and tradition. It is not a simple system; no system which deals with all the rules and regulations governing our lives could be simple. However the complexity of the system does not mean you cannot understand it. The courts invite you to come in and learn how they work so that you can see for yourself how the system functions.

We hope that this booklet has given you background information that will make the court system meaningful. If you want further information, contact the Community Legal Information Association of Prince Edward Island, Inc. at 892-0853 or 1-800-240-9798.

Finally, the court staff are public servants. When court is not in session, ask them what is happening. You have a right to know.

Glossary

Bail This is the old term for a Recognizance, the money an accused person promises to pay if she or he does not appear for trial. The word 'bail' is also commonly used to refer to the conditions which an accused person promises to obey from the time he or she is released after arrest, until the trial.

Common Law The law embodied in judicial decisions, or "judge made law"; originally it was the law based on the customs "common" to all England.

Court of Record A court in which all proceedings are recorded word for word in a way which permits everything to be put in a written record called a transcript.

Criminal Code The federal statute which defines what crimes are, what the maximum punishments are for those crimes and what the legal procedures are for dealing with those crimes. The laws which make up the *Criminal Code* are passed by Parliament in Ottawa.

Estate Property, particularly in regard to the estate of a deceased (dead) person.

Hearsay In legal terms, hearsay is information given to a witness by another person, but which the witness did not see or otherwise experience first hand. The witness does not have personal knowledge of the original event.

Hybrid Offence A criminal offence which may be proceeded with as either a summary conviction or an indictable matter. The decision as to which way to proceed is made by the Crown Attorney and is based on the seriousness of the offence.

Included Offence A lesser offence which forms a portion of the larger or more serious offence that an accused person is charged with.

Indictable Offence The most serious type of offence, proceeded with by indictment.

Indictment This is a formal procedure used to deal with the more serious charges. It allows for a judgement in higher court. Because of the more serious penalties for an indictable offence, the accused is granted wider protections, such as choice of a trial by judge and jury.

Informant A person with knowledge of a crime who swears an information.

Information The written charge, based on the knowledge of an informant, which accuses a person of an offence.

Judicial Interim Release The legal procedure by which an accused person who is in custody is released until trial, unless the Crown Attorney can show cause why the accused should be detained.

Jurisdiction The range of powers and/or territory over which a body may act. In the case of a court, jurisdiction concerns the type of case and the physical area over which the court has authority.

Mixed Offences Another name for hybrid offences.

Precedents Previously decided cases which are recognized as an authority for future cases.

Quasi-criminal Offences Provincial or municipal offences not covered under the Criminal Code of Canada. Examples are offences under the provincial *Highway Traffic Act* and *Liquor Control Act*. (quasi is Latin for 'as if'.)

Recognizance The accused person's promise to pay a specific amount of money if he or she fails to comply with certain conditions laid down by the court. This debt would be in addition to any further charges for failing to appear.

Show Cause A hearing at which the Crown Attorney has the opportunity to 'show cause' why the accused should be kept in custody until the trial date

Statute Law The laws enacted by legislation, as opposed to common law.

Subpoena A court order that requires or compels a witness to attend court.

Summary Conviction Offences Offences under provincial statutes and the less serious crimes in the Criminal Code. These matters are dealt with in Provincial Court.

Surety A person who takes out a bond for a certain amount of money before a court on behalf of another person. The court makes this person responsible for making sure that an accused person appears in court, and abides by other conditions of behaviour imposed by the court. If the accused person doesn't comply, all or part of the bond is forfeit.

Undertaking to Appear A document signed by an accused person in which there is a promise to appear in court at a specified time and place. It may contain other promises too, such as requiring the accused to stay in the area, to report to police at regular intervals, or not to communicate with certain people. Breaking any of these promises may result in a further criminal charge.

Voir Dire A trial within a trial, held to determine whether evidence can be admitted. In a jury trial, the jury will be sent out of the courtroom while both sides argue the case.

Resources

Court Tours: Tours of the courts are given by the Canadian Bar Association on Law Day in April each year. Call 566-1590.

Community Legal Information Association: Special tours of the courts may be arranged for community groups in the evenings by calling Community Legal Information Association.

Community Legal Information Association also provides the following services:

- Toll-free legal information telephone line....1-800-240-9798 or 892-0853
- Legal information resource centre
- speakers' bureau
- displays at workshops, conventions and seminars
- workshops, seminars and other presentations
- free pamphlets and other legal information materials

Published by Community Legal Information Association of Prince Edward Island, Inc.

P.O. Box 1207, Charlottetown, P.E.I., C1A 7M8 1-800-240-9798 or 892-0853

This is a completely revised and rewritten version of the Courtwatcher's Manual written by Judith Ann Blackwell and published by the Legal Services Society of British Columbia.

The text has been adapted for use in Prince Edward Island by Community Legal Information Association of Prince Edward Island, Inc. with permission from the Legal Services Society. It is intended as general legal information only and should not form the basis for legal advice of any kind.

Community Legal Information Association of Prince Edward Island, Inc. (CLIA) is a non-profit corporation and a registered charity. Its goal is to provide Islanders with understandable, useful information about our laws and our justice system.

CLIA is funded by the Department of Justice, Canada, the Government of Prince Edward Island, and the Prince Edward Island Law Foundation.

Revised August 2000

ISBN: 978-1-897436-14-1