

January 9, 2015

## The Website of the Alberta Courts

**By: Nigel Bankes, Jennifer Koshan, and Jonnette Watson Hamilton**

**Matter Commented On:** The Alberta Courts' [website](#)

This post deals with Court websites. We are posting it now because all three Alberta Courts have just made a significant change in their practice. At the beginning of this week (January 5, 2015) they announced that they will no longer post judgments on their own website. Instead, users are referred to [CanLII](#) for copies of recent judgments. Here is the notice that you will find on the ABQB and ABPC websites:

A collection of the judgments of the Court of Queen's Bench of Alberta is available from CanLII. The official version of the reasons for judgment is the signed original or handwritten endorsement in the court file. If there is a question about the content of a judgment, the original court file takes precedence. Copies of the original judgment may be obtained on payment of the applicable fee, by contacting the relevant [court location](#).

**You are about to leave the Court of Queen's Bench of Alberta website. The Court of Queen's Bench of Alberta is not responsible for the content of any external website.**

[Queen's Bench judgments on CanLII](#)

The Court of Appeal has yet to implement this decision but anticipates doing so in the near future.

We are given to understand that, while this move has been made to conserve staff time and reduce technology costs the Courts will continue to update the judgment databases — but henceforward the databases will only be available to internal users on the Courts' intranet. We also understand that the decisions of the Courts will be sent to Can LII on a daily basis, and that there should not be a significant time lag in accessing them on Can LII.

In making this move the Alberta Courts are following the practice of some other Canadian courts, including those in Saskatchewan, Manitoba and Newfoundland and Labrador.

ABlawg is a strong supporter of Can LII, and was one of the first blogs to participate in [Can LII Connects](#). However, we think that there is a case to be made for Courts maintaining their own publicly accessible judgment databases, as well as contributing to open source databases such as CanLII.

What is that case? We think that a website offers any entity, including the different branches of government, the opportunity to communicate to the public about who they are and what they do. The practice of rendering public judgment is a central part of what a court does and should be celebrated. Many courts do just that, both in Canada and internationally. For Canadian examples, see the websites of the Courts of [British Columbia](#) and [Nova Scotia](#). The website of the former includes an easily accessible “Recently Released Judgments” for both superior courts that lists the courts’ most recent decisions and a one sentence summary of the issue(s) dealt with by the court. The website of the latter includes, on their Court Decisions page, a list of “Today’s Releases” by five different levels of court. The Courts of Nova Scotia website also includes webcasts of court proceedings, among numerous other features.

Some courts even go beyond this content and use their websites to make additional materials available to the public, including appellate factums, transcripts, podcasts and in some specialized cases the pleadings. Examples here include the [Supreme Court of Canada](#), the [High Court of Australia](#), the [Supreme Court of the United Kingdom](#) (where it appears you can even rent the Court for special events; see “Venue Hire”!), and the [International Court of Justice](#). In the case of the Australian and UK courts, these websites are additional to the open source databases [AustLII](#) and [BAILII](#).

Of course these initiatives may not be appropriate to all levels of Court; we are not advocating any particular approach. But what we *are* saying is that a website is a crucial means of communication between the Courts and the public. A Court’s website conveys something about how accessible that Court is, or how accessible it wishes to be perceived to be. It says something about how central it sees the work of written decision-making and the dissemination of that work.

The message that the Alberta Courts send with the notice quoted above is that, while judgments may be central to who they are and what they do, they will leave it to others to publish those decisions and to be responsible for them. We think that that’s a shame. It’s even more of a shame if the Courts continue to maintain and update the database for their own use, since that suggests that any cost savings will be marginal at best.

To subscribe to ABlawg by email or RSS feed, please go to <http://ablawg.ca>  
Follow us on Twitter [@ABlawg](#)

