

Title : Court Trip Essay
Efficiency and Effectiveness of
our Criminal Court System

Subject : Law
Course : BLW3A1
Teacher :

Student Name :

Due Date :

Our court systems have, in recent years, been said to be inefficient, sometimes ineffective, and even backlogged to the point where cases have to be dismissed because of how long it takes for them to get to court. After my trip to court, these are my opinions and observations on the "Efficiency and Effectiveness of our Criminal Court System".

The court procedures of provincial court are very systematic and are carried out very swiftly. It is much like a tennis match, the ball, or control in the court, is volleyed back and forth between the judge (and court clerk) and the lawyers. The court clerk arraigns the accused, the defence lawyer responds with how the accused pleads, if it is "not guilty", the court clerk asks how the Crown lawyer wishes to proceed and so forth.

However, this is not so in the Ontario Supreme Court (Trial Division), though similar in methodical procedures, the court cases are longer and much more time is spent on each individual part of the case, from presenting the evidence to cross-examination of the witness, this is because of the amount of information involved.

The general atmosphere and behaviour in the Provincial Courtrooms were general loose and calm. The people, lawyers, judge, clerk and recorder seem to know each other very well. They joked openly, even while the court was in session, the defence lawyer asked if he could persuade the judge into a lighter sentence after the judge had already made a decision in a very easy and friendly tone of voice, something seemingly unprofessional that caused chuckles throughout the courtroom. Where in the Ontario Supreme Court the atmosphere was much more serious, professional, strict and at times high in tension.

Our current bail system, in either monetary terms or personal recognizance, seemed pretty successful in Provincial Court, though not observed in the Ontario Supreme Court, all the people did show up for their trial, which included two people on bail for possession of marijuana cigarettes. As a final note, no bench warrant was every called for by the judge for people whom failed to attend their trial.

The necessity of the duty council is for those who don't have a lawyer and is for their benefit that they discuss legal options that the accused might have before proceeding, however this part of the system is not very efficient as the court must adjourn for this and thus waste valuable time that could be otherwise used for processing other court cases.

The Crown Attorney in provincial court was, on the whole, fairly well prepared, efficiently bring relevant facts to attention, friendly and well acquainted to the defence lawyers as well as the judge, and quick to get to the point that he was trying to prove. There was little time wasted, between the arraignment and the sentencing, on the part of the Crown Attorney. In Ontario Supreme Court, the Crown Attorney there seemed well prepared, efficient, and quick, however there seemed to be a lack of personal involvement in the case, rather he seemed emotionless, just doing his job, not being familiar with the judge or other people in the court room. By the way he presented and dressed, he appeared far more strict and serious in conduct and appearance than his Provincial Court counterpart.

Calling a remand can be helpful in that it allows witnesses, especially key witnesses, to be present at a later date when it is possible for them to attend the trial, as duty may call them to do otherwise. The disadvantages, however, are mostly on the accused's part, as s/he must remain in custody longer in order to be brought back to trial.

The necessity for a lawyer for minor offences can sometimes outweigh the cost the accused must pay for them because the lawyer understands the law and how the system works, he might be able to point out some small discrepancies or may suggest what type and how much punishment is suitable for the accused's crime. The lawyer may also point out that if the person has a record, how old it really is, as records older than 5 years old that are not cleared are disregarded by the judge. They also help the cases progress faster as an accused legal options will be already made clear to him by his/her lawyer.

Lawyers are absolutely necessary for major cases, as the accused may not understand his legal rights clearly or may not know how to defend himself correctly in the correct the manner during trial in court.

Court judges in Provincial Court were generally looser than those in Ontario Supreme Court as that the one we saw in Supreme Court seemed more serious, lacked in emotional expressions, but also easily bored. However in Provincial Court, they were serious but there was room for humour and understanding of the accused's situation. Over all they looked like they enjoyed their jobs.

All in all, the system we currently have cannot be any better as it is efficient as humanly possible without violating any individuals rights as in the Charter.
