

# NOTICE

## PROVINCIAL COURT OF MANITOBA

### RE: DESIGNATION OF COUNSEL

Section 650.01 of the *Criminal Code* allows an accused person to appoint counsel to appear on their behalf by filing a Designation of Counsel. There has been some inconsistency in the Provincial Court in accepting the Designation of Counsel to set trial dates. The Provincial Court will accept properly executed Designations of Counsel so that counsel can appear for their client pursuant to the designation. Counsel are reminded the Designation of Counsel creates a responsibility both for counsel and the accused person to keep and maintain contact. Counsel are responsible for ensuring they appear in court (including at the counter courts where the dates should be arranged in advance) as not appearing at a court appearance or arranging a date in advance, could be seen as a breach of the lawyer's professional obligation to their client and could result in a warrant being issued for the client. Counsel should not rely on a Designation of Counsel, if the client is not aware of the date being set. It is incumbent on counsel to bring a matter forward well in advance of a trial date, if contact has been lost with the client so the trial date can be cancelled, and the date can be used for other matters.

The latest version of the Designation of Counsel is attached.

**ISSUED BY:**

***“ORIGINAL SIGNED BY:”***

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**Associate Chief Judge Anne Krahn  
Provincial Court of Manitoba**

**DATE: December 16, 2021**