

Transition to New Supreme Court Rules

This guidebook provides general information about how the new Rules of Court will affect your lawsuit when they come into force on July 1, 2010.

When do the new Rules come into force?

New Supreme Court Rules come into force on July 1, 2010. You can find the new Rules at www.BCLaws.ca.

If your case was commenced before July 1, 2010, the steps you have taken under the old Rules are still valid and effective – you simply take your next steps by following the new Rules. Rule 24-1 provides more detailed information about how the new Rules apply to your case. So, for example, if you filed a writ of summons and statement of claim before July 1st, those documents are deemed to be the notice of civil claim in the proceeding after July 1st. And, if you filed an appearance and statement of defence before July 1st, those documents are deemed to be a response to a civil claim in the proceeding after July 1st. On and after July 1st, follow the new Rules of Court for the next steps in your lawsuit.

If a step in a proceeding is taken before July 1st, the former Supreme Court Rules apply to any right or obligation arising out of that step if that right or obligation is to have effect before September 1, 2010.

If your trial is scheduled to begin before October 1, 2010, a trial management conference may be required (see Rule 24-1(15)).

What are the key features of the new Rules?

The Supreme Court Civil Rules were revised to help cases proceed through court in a quicker and easier way, especially those that do not involve complex legal issues or a lot of money. The main features of the new Rules are described below:

Deciding your case in a just, speedy, and inexpensive way

The new Rules are designed to ensure that those who are involved in court cases have a “just, speedy, and inexpensive” way to have their case decided. Cases must be conducted under the principles of “proportionality.” This means that the court will not allow parties to pursue legal processes that are disproportionate to the amount involved in the dispute, the importance of the issues, or the complexity of the case.

This Guidebook provides general information about civil, non-family claims in the Supreme Court of BC. It does not explain the law. Legal advice must come from a lawyer, who can tell you why you should do something in your lawsuit or whether you should take certain actions. Anyone else, such as court registry staff, non-lawyer advocates, other helpers, and this guidebook can only give you legal information about how to do something, such as following certain court procedures.

Standards are in effect for the filing of all Supreme Court civil and Supreme Court family documents, except divorce and probate. When you submit your completed documents, registry staff will check to make sure they meet the minimum standards before accepting them for filing. It is your responsibility to include all other information required by the court and ensure it is correct.

For information about how to get help with your case, see the last page of this document.

Court procedures are simpler

To help parties bring cases to court, the new Rules have simplified court procedures. For example, a plaintiff used to start an action by issuing a writ of summons and statement of claim, which was served on the defendant. Now, the plaintiff prepares and serves one document on the defendant – a notice of civil claim.

Meetings with a judge can help resolve issues

In most cases, you can schedule a case planning conference, which is a meeting between a judge (or master), the parties, and their lawyers. The purpose of a conference is to make a plan and timeline for the progress of the case, and to work through disputed issues at the beginning of the action so the case can move forward with less conflict between the parties and fewer applications to court before the trial.

The conference may cover topics like what documents the parties must exchange, how examination of parties and witnesses will be conducted, the possibility of settlement, and so on.

In addition, you must attend a trial management conference at least 4 weeks before trial for the purpose of planning how the trial will be conducted. The parties and the judge will discuss issues such as examination of witnesses at trial, admission of documents, the length of the trial, and so on. More information about these meetings can be found in the guidebooks called, *The Case Planning Conference* and *Trials in the Supreme Court*.

Discovery of documents and parties are limited

The new Rules limit the scope of documents that parties must exchange before trial, as well as the amount of time that the parties have to attend in an examination for discovery. More information can be found in the guidebook called, *The Discovery Process*.

Expert witnesses can assist the court

The role of experts under the new Rules is to assist the court in providing expert opinions on technical matters rather than be an advocate for either party. In appropriate cases, the court may order that only one expert provide an opinion, rather than both parties retaining their own experts who may provide conflicting opinions on an important issue.

Faster options may be available

If the amount in dispute is under \$100,000 or the trial can be completed in 3 days or less, you may have a faster way to get your case heard by a judge. New Rule 15-1 sets out the “fast-track” procedure for these smaller cases. You can also agree with the other party to use this process.

In fast-track cases, a case planning conference is mandatory, examinations for discovery are limited to 2 hours, and there is a limitation on costs that are awarded at the end of trial. If you apply for a trial date within 4 months of choosing to use the fast track procedure, you will be given a trial date that starts within 4 months. The fast track process is both a faster and less expensive way to take your case through the court system.

More information can be found in the guidebook called, *Fast Track Litigation*.

In order to best take advantage of the new Rules, it might be advisable to talk to a lawyer about your case.

Get Help With Your Case

Before you start your claim, you should think about resolving your case without going to court (see the guidebook, *Alternatives to Going to Court*). If you do not have a lawyer, you will have to learn about the court system, the law that relates to your case, what you and the other side need to prove, and the possible legal arguments for your case. You will also need to know about the court rules and the court forms that must be used when you bring a dispute to court.

Legal Information Online

All *Guidebooks for Representing Yourself in BC Supreme Court Civil Matters*, along with additional information, videos and resources for Supreme Court family and civil cases are available on the Justice Education Society website: www.SupremeCourtBC.ca.

Clicklaw gives you information about many areas of law and free services to help you solve your legal problems: www.Clicklaw.bc.ca.

The Supreme Court of BC's website has information for people who are representing themselves in court: www.Courts.gov.bc.ca/supreme_court/self-represented_litigants/

Legal information services

The Vancouver Justice Access Centre's, Self-help and Information Services includes legal information, education and referral services for Supreme Court family and civil cases. It is located at 290 - 800 Hornby Street in Vancouver (open Monday to Friday): www.SupremeCourtSelfHelp.bc.ca.

For information about other Justice Access Centre services in Vancouver and Nanaimo, see: www.JusticeAccessCentre.bc.ca.

Legal advice

You may be eligible for free (pro bono) legal advice. Access ProBono Society of BC's website gives you information about the legal assistance that is available to you: www.AccessProBono.ca.

Legislation

BC Legislation (statutes), regulations, and Rules of Court can be found at: www.BCLaws.ca.

Court rules and forms

Supreme Court forms can be completed in 3 ways:

1. Completed online and filed at: www.CourtServicesOnline.gov.bc.ca
2. Completed online, printed and filed at the registry
3. Printed, completed manually and filed at the registry

Court forms that can be completed online are available at: www.ag.gov.bc.ca/courts/other/supreme/2010SupRules/info/index_civil.htm
Printable court forms are available at: www.SupremeCourtBC.ca/civil/forms

Common legal terms

You can find out the meaning of legal terms at: www.SupremeCourtBC.ca/glossary

Family law

For information about family law claims, see: www.FamilyLaw.LSS.bc.ca.

This guidebook is part of a series:

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