Trials in Supreme Court

The final stage in an action (a proceeding started with a notice of civil claim) is the trial. The trial is your opportunity to go before a judge and possibly a jury, and tell your story by presenting evidence in court.

There is a whole area of the law that deals with how evidence can be presented in court. This guidebook is intended to give you a general overview of the procedures for the trial process and what you need to do generally to prepare for a trial. It does not cover the law of evidence. (See the guidebook, *Proving Your Case in Supreme Court* for information about introducing evidence into court.)

It is a good idea to consult a lawyer about the trial process and the evidence you think you should present to prove your case. A lawyer can explain the law of evidence and will be able to help you plan for the trial as well as give you information about what you might expect to happen at trial.

The courthouse library also has many textbooks about the law of evidence and trial procedures that you may find useful.

Part 12 of the Supreme Court Civil Rules deals with trial procedures. Part 11 of the rules deals with expert witnesses, which may be important in your trial. Get familiar with these rules when you begin preparing for trial.

Jury trials

In an action started with a notice of civil claim, any party can choose to have the trial heard by a judge and jury, except in certain cases. The rules set out certain matters that cannot be heard by a jury (see Rule 12-6(2)). Jury trials are not common in civil matters, and they are far more complicated than trials without a jury.

Jury trials tend to take longer than trials by judge alone and require that you pay additional costs to the court for the jury. If you are considering a jury, you should get advice from a lawyer about whether this is an appropriate option for your case.

If you choose to have a jury trial, review Rule 12-6 (3) which sets out how you tell the court and the other parties that you want a jury trial. Jury trials are not available in fast track litigation (Rule 15-1).

Scheduling a trial

To have a trial, you or one of the other parties to the action must schedule a date with the court in the registry location where the trial will be heard. To do this, complete and file a form called a notice of trial (Form 40). A copy of the notice of trial is attached to this guidebook. If you are the plaintiff, you must serve your notice of trial on all other parties of record promptly after filing it.

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.

The notice of trial must include the date set out in a case plan order for the trial or, if no trial date is set out in a case plan order, the trial date obtained from the registry.

Keep in mind that the time frame for the next available trial date varies from registry to registry and depends on how many days you require for your trial. You therefore may wish to make your request for a trial date as soon as you can.

The Supreme Court scheduler in each registry is the person to contact about dates for trials. Each registry has a different practice for booking trial dates, and different documentation is required for trials of different trial lengths, so it is a good idea to contact the Supreme Court scheduler to find out what you need to do to book a trial date. You will need to contact the scheduler to confirm that the dates you want are available before you can file your notice of trial.

You need to have an accurate estimate of how long the entire trial will take before you schedule the trial date with the court. Consider how long you think the trial will take:

- How many witnesses will testify for you?
- How long will it take you to present your evidence?
- How long will it take you to sum up your case for the judge?
- How long will it take you to make arguments about the law applicable to your case?
- How much time will the other party need for their witnesses and case presentation?

You will need to consult with the other party on this. Before you schedule a trial date, make sure that everyone involved in the trial will be available for the dates you request from the Supreme Court scheduler. Your preferred dates may not be available, so be sure to have at least two or three sets of alternate dates in mind.

If you object to a trial date set by another party, you must, within 21 days of receiving the notice of trial, either request a case planning conference (see the guidebook, *Case Planning Conferences*) or file an application to have the trial rescheduled (see the guidebook, *Applications to Court*). If you are the party who filed the notice of trial you will also have to prepare and file a document called a trial record.

Prepare a trial record

A trial record is a bound book that contains all the pleadings and other documents to be put before the court at the trial. The party who filed the notice of trial must file a trial record at least 14 days, but not more than 28 days, before the first day of trial. More information about trial records is set out in Rule 12-3.

A trial record must include:

- The pleadings (i.e., the notice of civil claim, response, as well as any third party notice or counterclaim). If any of these documents have been amended, include only the amended pleadings;
- Any particulars served under a demand for particulars, together with the demand. (A demand for particulars is a request that a party provide more information about a matter set out in their pleadings. See Rule 3-7(23));
- The case plan order, if any;
- Any court order that relates to the conduct of the trial (for example, a court order that the trial be heard in a different registry).

Once you have collected these documents, then:

- Prepare a cover and an index. On the cover put the style of proceeding, the title TRIAL RECORD, and the names, addresses and phone numbers of all parties or their lawyers. Include the date and place of trial in the bottom right hand corner of the cover page. In the index, set out the name of each document, the date the document was filed, and the page number of the document in the trial record.

- Number each page of each document in the top right hand corner.

- Under the page number on the first page of each document in the trial record, include the registry office and the date the document was filed, prepared, completed or made.

- Have the trial record bound.

Once you have prepared and filed the trial record, deliver copies to all other parties to the action. You will also need to complete and file a trial certificate.

Prepare a trial certificate

A trial certificate is a short document that sets out:

- that the party submitting the form will be ready to proceed with the trial on the date scheduled;
- that the party submitting the form has completed all examinations for discovery;
- the current estimate of the length of the trial; and
- a statement that a trial management conference has been conducted in the action.

A copy of the trial certificate (Form 42) is attached to this guidebook. All parties must file and serve a trial certificate at least 14 days but not more than 28 days before the first day of trial. It is very important to file this document. If no party files a trial certificate, your case will be removed from the trial list and you will have to schedule a new trial date. You can find more information about trial certificates in Rule 12-4.

Prepare a trial brief

Each party must file a trial brief (Form 41) at least 7 days before the trial management conference and serve it on the other parties. The trial brief summarizes the positions of the parties on unresolved issues, identifies the witnesses who will give evidence at trial, the time required for the witnesses' testimonies, as well as the expert reports and other documents that will be put into evidence. You must also list the legal authorities that you will be relying on to present your case to the judge.

Trial management conferences

A trial management conference is a meeting with a judge or master to discuss how the trial of your case will proceed (Rule 12-1).The parties and their lawyers must attend the conference. If a party is represented by a lawyer, he or she does not have to attend provided they are readily available for consultation during the conference either in person or by telephone. If you are required to attend, but fail to do so, the judge or master may proceed without you, adjourn the conference, or order you to pay costs to another party.

The trial management conference must take place at least 28 days before the scheduled trial date at a time and place fixed by the registrar (Rule 12-1(1)).

At the trial management conference the judge or master may consider and make orders on many issues (set out in Rule 12-2(9)), including:

- a plan for how the trial should be conducted;
- amendment of pleadings;
- facts to be admitted at trial;
- documents to be admitted at trial, including agreements as to the purpose for using the documents at trial or preparing a common book of documents;
- limits on how long witnesses can be examined and cross-examined;
- that the evidence of witnesses be presented at trial in affidavit form;
- adjournment of the trial;
- that the opening statements and final submissions be presented in writing; and
- that the number of days set aside for trial should be changed.

The judge or master cannot hear any application by which affidavit evidence is required, or make a final order in the case unless the parties consent.

Getting ready for trial

The most important thing to remember about getting ready for a trial is that you need to be organized. You need to organize your documents, your witnesses, and all the law that you want the court to consider in deciding your case. Most importantly, you will need to think about what facts you need to prove to the court and how you will prove them.

It is a good idea to organize all your information for the trial and put it in one place so you can easily find things and can keep everything up to date. You could put it all in a three-ring binder or in a directory folder in your computer. At the very least, your central information source should include:

- the trial date;
- a list of all the things that you must file or do before the trial and the dates on which they must be done, including filing a trial record and trial certificate. (If your trial certificate is not filed in time, you will lose your trial date.);
- a list of all the facts you will need to prove your claim or your defence and how you will prove each fact (for example, by getting a witness to testify about it or presenting a document to the court);
- the names, addresses, phone numbers and schedules of any experts you plan to call;
- the names, addresses and phone numbers of your witnesses;
- the dates when each witness or expert needs to be in court to testify;
- the names, addresses and phone numbers of everyone else involved, including defendants or plaintiffs, or the lawyers acting for them; and
- notes on how you expect the trial to proceed (for example, when you intend to submit certain documents, the questions you intend to ask your witnesses, etc.).

One of the most useful things you can do to prepare for your trial is to spend some time sitting in court observing a trial so you have a better understanding of how things work in a courtroom. This will also give you a sense of what to expect and help you familiarize yourself with courtroom protocol. Trials are open to the public and generally are in session in the morning from 10:00 to 12:30 and in the afternoon from 2:00 to 4:00.

What evidence can be used at trial?

Evidence is what you present to the court to prove the facts that are necessary to establish your claim or defence. Evidence can be presented to the court in the form of documents or given by witnesses who come to court to testify. For example, if it is relevant to your case that it was raining on a particular day, you could call as a witness someone who remembers that it was raining that day or you could get weather records from Environment Canada that show what the weather was like on that day. If there is a technical or complex issue in your case that requires the opinion of an expert, you can have an expert present the evidence.

This booklet does not cover the law of evidence and the specific rules about how certain facts can be proved. Refer to the Guidebook, *Proving Your Case in Supreme Court* for information about introducing evidence into court at trial. It is a good idea to talk to a lawyer about the law of evidence to find out the proper way to prove the facts necessary to your claim or your defence.

Documentary evidence

One of the most important things you will need to prepare before the trial is a book of documents. This book will contain all the documents that you will want to present to the court as evidence during the trial. Organize them according to date, separated by numbered tabs, to make them easy to find. In addition, if documents are more than one page long, number each page. You can enter this book of documents as an exhibit at trial.

Think about how you will prove each of the documents to the court. You may have to call witnesses to prove that certain documents are authentic – that they are what they say they are (for example, that a letter was signed and sent on a particular date). However, before you consider calling a witness to prove a document, you should ask the other party if he or she agrees that you can present the document to prove a particular fact (for example, that the letter was sent on the date indicated). If they agree, then you may be able to present the document in court without needing to call a witness.

Notices to admit are useful in getting the other parties to agree to the authenticity of documents (see Rule 7-7(1)). The guidebook called *The Discovery Process* contains more information about preparing a notice to admit.

You may also want to set out in writing the various agreements you have made with the other parties about the documents. A written document agreement allows you to present your documents without objections about the validity of any of your documents and tells the court the basis upon which documents are being presented. A document agreement can be very simple but should include statements that:

- the documents included in the book are true copies of the originals;
- the documents are signed and dated as indicated;
- they were mailed or faxed or emailed as noted; and
- they were received in good order.

If possible, it helps the court if the parties can agree before the trial to prepare a joint book of documents so that all of the documents are in one place. If the parties agree, this joint book of documents can be entered as an exhibit at the trial. If there are some documents you want to present to the court but the other parties have objected to including them in the joint book of documents, you will have to deal with these documents separately during the trial.

While not strictly necessary, it is a very good idea to prepare one extra book of documents for the judge so that he or she can make notes and highlight the documents, if necessary.

Witnesses giving evidence

You need to think about whether you need anyone to come to the trial to give evidence. Witnesses can testify about facts that are relevant to the case. They may also testify about certain documents. For example, if you need to prove a signature on a document, you may need to call that person to confirm that they signed the document.

If you decide that you need witnesses, contact them to ask them to attend the trial. If you are uncertain whether a particular witness will show up at the trial, serve him or her with a subpoena. A subpoena is a form that notifies a witness that he or she is required to attend in court to give evidence at a trial and that failure to do so may result in a charge of contempt of court. Prepare the subpoena using Form 25 (a copy is attached to this guidebook).

According to Rule 12-5(35), the subpoena must be served together with the appropriate witness fees. See Schedule 3 of Appendix C of the Rules of Court to find out how much you must pay the witnesses.

When you are preparing your case for trial, you may want to go over the evidence with your witnesses beforehand to let them know the questions they will be asked. You may want to prepare a list of information for you and each of your witnesses to get ready for trial. This list should set out:

- the name, address, age, and occupation of the witness;
- his or her education, if necessary;
- his or her experience, if necessary; and
- what he or she will testify about.

When you call your witness to give their evidence at the trial, you will ask them questions to have them give the evidence that is relevant to your case. This questioning is called direct examination. The questions should not be "leading" which means they should not suggest an answer. Leading questions are "closed" questions which normally require a "yes" or "no" answer.

Once you have finished asking your witness questions, the other parties have the right to ask the witness questions. This is called cross-examination.

You have the right to cross-examine all of the witnesses called by the other parties. In cross-examination, you may ask leading questions, such as, "Isn't it true that you were driving in excess of the speed limit at the time of the crash?" There are many books in the courthouse library that will help you prepare to examine and cross-examine witnesses. Review some of this information before you go to trial. You may also want to consult with a lawyer about this part of the trial.

Rule 7-4 states that you must file and serve on every other party a list of the witnesses you <u>may</u> call at trial (except expert witnesses and adverse parties). Unless the court has made an order to the contrary, you must serve your witness list on the other party at least 28 days before the scheduled trial date. The list must include the full name and address of each listed witness. If you later find that the list is inaccurate or incomplete, you must amend your list and serve it on the other parties.

Appointment of experts

Part 11 of the rules deals with the evidence of experts. Note that some of the rules relating to experts do not apply to summary trials (see the guidebook, *Resolving Your Case Before Trial*).

Experts can provide an important part of the evidence in some trials and whether you need expert evidence is something you should consider early in the proceedings. Consulting a lawyer may give you a better sense of whether or not an expert is necessary and the lawyer might also help you locate and give instructions to an appropriate expert.

An expert can give opinion evidence – either in person or by preparing a written report – about any relevant fact that is set out in a pleading. The duty of an expert is set out in Rule 11-2; it is to assist the court and not to be an advocate for any party. Unlike other witnesses, whose opinions are not admissible at trial, expert opinion is admissible if it provides information to the court that would not normally be within the judge's knowledge. An expert must prepare a written report if you intend to call the expert to give evidence at the trial.

Experts are available in every field – for example, medical, mechanical, engineering, accounting, and banking. Make sure that the expert you choose will help you present your case and that the cost of that expert is worth the impact on your case. Experts can be expensive. They charge you for reviewing documents, preparing an opinion, and appearing at trial. These costs add up very quickly.

The parties have the option to appoint a single joint expert (Rule 11-3). To do so, the parties must first attempt to settle the following issues:

- the expert's identity;
- the issue the expert is being asked to resolve;
- the agreed facts or assumptions the expert is relying on in reaching his or her opinion;
- the facts or assumptions that only one party is asking the expert to consider;
- the questions to be considered by the expert; and
- the date the report is due and the responsibility for the expert's fees.

If you cannot agree on these matters with the other party, you can apply to the court to settle the expert's terms of appointment at a case planning conference. There is also the option to appoint your own expert on a particular issue. In some cases, the court may appoint its own expert to help resolve an issue in the action (Rule 11-5).

Expert reports

If you decide to have an expert prepare a written report, it must be signed by the expert with an acknowledgment of his or her duty to assist the court (as set out in Rule 11-2(2)). If the report is to be tendered into evidence in court, it must contain the following information, as set out in Rule 11-6:

- the expert's name, address, and area of expertise;
- the expert's qualifications;
- the instructions given to the expert about the lawsuit;
- the nature of the opinion being sought and the issues in the proceeding to which the opinion relates;
- the expert's opinion respecting those issues; and
- the expert's opinion on each issue and the reasons for it, including the factual assumptions on which the opinion is based.

The expert report must be delivered to all parties at least 84 days before the scheduled trial date. Once the parties have reviewed the report, they may ask that the expert attend at trial so that they can cross-examine him or her. If no one asks the expert to appear for cross-examination, the report may be entered into evidence without the expert needing to attend at the trial.

The other party may provide expert evidence in the form of their own expert's report and you will need to review that report carefully. You may want to provide that report to your own expert to review and you or your expert may have objections to that report or may wish to prepare a responding report. Expert reports written in response to another expert's report must be served at least 42 days before the scheduled trial date.

If you have been served with an expert's report, consider whether it would be useful to ask the expert to attend the trial so you can cross-examine him or her. However, consider this carefully because if the trial judge finds that your cross-examination was not useful, you could be ordered to pay the costs of having the expert come to court (Rule 11-7(4)).

What happens at trial?

Each trial happens in steps, as follows:

1. Plaintiff's opening – the plaintiff outlines for the judge or jury the factual basis of the claims he or she expects to prove.

2. Plaintiff's witnesses – the plaintiff and the plaintiff's witnesses give their evidence (this is called direct examination), are cross-examined by the defendant, and then re-examined by the plaintiff, if necessary.

3. Defendant's opening – the defendant explains to the judge or jury what his or her evidence will show and what it means to the defence.

4. Defendant's witnesses – the defendant gives his or her evidence, calls defence witnesses who give their evidence (direct examination), are cross-examined by the plaintiff, and then reexamined by the defendant's lawyer (or the defendant if he or she is self-represented), if necessary.

5. Rebuttal witnesses – once the defendant has finished with his or her witnesses, the plaintiff can call rebuttal witnesses who can give evidence on issues that came up for the first time in the evidence of the defendant's witnesses, but for nothing else. Then the defendant can cross-examine these witnesses.

Once all of this has happened, your evidence is complete. Now it is time to sum up.

6. Plaintiff's argument – the plaintiff presents arguments about the evidence, its relevance, the case authorities and the statutes that are relevant to the case (you should have copies of the case authorities and statutes available for the other party and the judge). The argument should include a request for costs in the event that your claim succeeds.

7. Defendant's argument – the defendant does the same.

8. In a very few cases, the plaintiff may reply to the defendant's argument.

9. Very infrequently the defendant may be allowed to give further reply (this is called surreply) to the plaintiff's reply.

10. In complex cases, written summaries of your argument can be provided to the court. In some of these cases, the judge might ask the parties to submit written arguments instead of doing it in person or as well as doing it in person. The judge may set time limits for when written arguments are to be submitted.

After the arguments are completed, the judge may give judgment right away or, in many cases, will reserve (delay) judgment and provide written reasons for judgment at a later date.

Trial Checklist

Note these very important deadlines. If you do not follow these deadlines, you may lose your trial date:

21 days after receiving notice of trial, if you object to trial date set by other party:
Request case planning conference or file application to have trial rescheduled.

7 days before trial management conference:
File trial brief.

14 – 28 days before first day of trial:
File a trial certificate.

28 days before scheduled trial date:
Attend trial management conference.

28 days before the scheduled trial date:
Serve your witness list on the other party.

42 days before scheduled trial date:
Serve expert reports written in response to another's report.

84 days before scheduled trial date:
Deliver expert reports.

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:

Guidebooks for Representing Yourself in Supreme Court Civil Matters.

Produced by: www.JusticeEducation.ca

Funded by: www.LawFoundationBC.org

JUSTICE EDUCATION SOCIETY

THE LAW FOUNDATION OF BRITISH COLUMBIA

© July 2010. Justice Education Society of BC

ISBN 978-0-9866690-2-6

The Society acknowledges the contributions of the Ministry of Attorney General.

NOTES

Form 25

(Rules 7-5 (5), 7-8 (5) and 12-5 (32) and (36))

1 *[Style of Proceeding]*

SUBPOENA TO WITNESS

[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]

2 To: .....[*name and address*].....

TAKE NOTICE that you are required to attend to testify as a witness at the place, date and time set out below. You are also required to bring with you all documents in your possession or control relating to the matters in question in this proceeding [*and, if applicable, the following physical objects*]:

Please note the provisions of the Supreme Court Civil Rules reproduced below.

Place: .....

Date: .....[*dd/mmm/yyyy*].....

Time: .....

Date: .....[*dd/mmm/yyyy*]..... .....

Signature of [ ] party serving subpoena [ ] lawyer for party(ies) serving subpoena

.....[*type or print name*].....

Rules 22-7 (5) and 22-8 (4) of the Supreme Court Civil Rules state in part:

"22-7 (5) ... if a person, contrary to these Supreme Court Civil Rules and without lawful excuse,

(a) refuses or neglects to obey a subpoena or to attend at the time and place appointed for his or her examination for discovery,

then

(f) if the person is the plaintiff or petitioner, a present officer of a corporate plaintiff or petitioner or a partner in or manager of a partnership plaintiff or petitioner, the court may dismiss the proceeding, and

(g) if the person is a defendant, respondent or third party, a present officer of a corporate defendant, respondent or third party or a partner in or manager of a partnership defendant, respondent or third party, the court may order the proceeding to continue as if no response to civil claim had been filed.

22-8 (4) A person who is guilty of an act or omission described in Rule 12-5 (25) or 22-7 (5), in addition to being subject to any consequences prescribed by those rules, is guilty of contempt of court and subject to the court's power to punish contempt of court."

NOTES

Court forms are available at: www.ag.gov.bc.ca/courts/other/supreme/2010SupRules/info/index_civil.htm.

They can be completed online and filed electronically using Court Services Online: www.courtservicesonline.gov.bc.ca.

They can also be printed and completed manually; or completed online, printed and filed.

You do not have to file this form in the registry, but serve it on the people named in the subpoena.

1. The style of proceeding is the part at the top of the document that identifies your case within the court system. You will use the style of proceeding on every one of your documents, whether they are filed in the court registry or not. Insert the court number, the location of the registry (e.g., Vancouver), as it is part of your style of proceeding. Write in the names of the plaintiff and defendant in capital letters (not addresses) in the style of proceeding.

2. If more than one person is being served with a subpoena, and they are all being required to come to court on the same day, you can put the names and addresses of all those persons in this space.

NOTES

Form 40

(Rule 12-1 (2))

1 *[Style of Proceeding]*

NOTICE OF TRIAL

[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]

2 **Filed by:** .....[*party(ies)*].....

TAKE NOTICE that the trial of this proceeding has been set down at the following place, date and time:

3

City	
Address of Courthouse	
Date [*dd/mmm/yyyy*]	
Time	

.....
Registrar

[*Check whichever one of the following boxes is correct and complete any required information.*]

The place of trial set out above is:

[ ] the place of trial set out in the notice of civil claim.

[ ] set out in the order of this Honourable Court dated .....[*dd/mmm/yyyy*]..... .

[*Check whichever one of the following boxes is correct and complete the required information.*]

[ ] All parties of record in this action agree that not more than ..... is a reasonable time for the hearing of all evidence and argument in this action.

[ ] There is a disagreement as to the estimate of a reasonable time for the hearing of all evidence and argument in this action. The estimates of the parties of record are as follows:

Name of party	Time Estimate

I undertake to pay all hearing fees payable under Appendix C, Schedule 1, Item 14.

Date: .....[*dd/mmm/yyyy*]..... .....

Signature of
[ ] filing party [ ] lawyer for filing party(ies)

.....[*type or print name*].....

Contact information for the parties and their lawyers is as follows:
[*Set out the full names, addresses and telephone numbers of all lawyers having conduct of this action and of all parties of record who are not represented by a lawyer and, in addition, any email addresses or fax numbers that may be used for contact purposes.*]

Appendix

[*The following information is provided for data collection purposes only and is of no legal effect.*]

Part 1: THIS CLAIM INVOLVES THE FOLLOWING:

[*Check one box below for the case type that best describes this case.*]

[ ] a motor vehicle accident

[ ] a personal injury, other than one arising from a motor vehicle accident

[ ] a dispute about real property (real estate)

[ ] a dispute about personal property

[ ] the lending of money

[ ] the provision of goods or services or other general commercial matters

[ ] an employment relationship

[ ] a dispute about a will or other issues concerning the probate of an estate

[ ] a matter not listed here

Part 2:

[*If an enactment is being relied on, specify. Do not list more than 3 enactments.*]

NOTES

Court forms are available at: www.ag.gov.bc.ca/courts/other/supreme/2010SupRules/info/index_civil.htm.

They can be completed online and filed electronically using Court Services Online: www.courtservicesonline.gov.bc.ca.

They can also be printed and completed manually; or completed online, printed and filed.

File this form in the court registry and serve it on the other parties of record.

1. The style of proceeding is the part at the top of the document that identifies your case within the court system. You will use the style of proceeding on every one of your documents, whether they are filed in the court registry or not. Insert the court number, the location of the registry (e.g., Vancouver), as it is part of your style of proceeding. Write in the names of the plaintiff and defendant in capital letters (not addresses) in the style of proceeding.

2. Put your name here if you are filing the notice of trial.

3. Complete the information in the left-side column (city, address, date, and time), then check the trial management conference box or the trial, whichever is appropriate.

4. List the legislation that applies to your case, and which you will be referring at trial (e.g., *The Motor Vehicle Act*; *The Strata Property Act*, etc.).

NOTES

Form 41

(Rule 12-2 (3))

1 *[Style of Proceeding]*

TRIAL BRIEF

[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]

2 **Filed by:** .....[*party*]..... (the "filing party")

[*The pages of this trial brief must be consecutively numbered. If this trial brief is more than 5 pages in length, it must include an index.*]

1 Summary of Issues and Positions

3 The following are the issues in dispute and the filing party's position on each:

Issue in dispute	Filing party's position
1	1
2	2

2 Witnesses to Be Called

The following are the names and addresses of the witnesses the filing party intends to call at trial, and an estimate of the time each witness will need for giving direct evidence:

Name	Address	Time needed

3 Expert Reports

The following are the expert reports the filing party intends to offer as evidence at trial:

Name of expert	Date of report

4 Witnesses to Be Cross-Examined

The following are the names of the witnesses the filing party anticipates cross-examining at trial, and an estimate of the time the filing party will need for each:

Name	Time needed

5 Documents and Exhibits

4

The following are the documents and other exhibits the filing party intends to tender at trial:

1

2

6 Authorities

5

The following are the authorities the filing party intends to rely on at trial:

1

2

7 Order

6

The following are the terms of the order the filing party will seek at trial:

1

2

8 Time required for submissions

The filing party estimates that .....[*time estimate*]..... will be required for that party's opening statement and .....[*time estimate*]..... will be required for that party's final submissions.

Date: .....[*dd/mmm/yyyy*].....

.....

Signature of
[ ] filing party [ ] lawyer for filing party

.....[*type or print name*].....

NOTES

Court forms are available at: www.ag.gov.bc.ca/courts/other/supreme/2010SupRules/info/index_civil.htm.

They can be completed online and filed electronically using Court Services Online: www.courtservicesonline.gov.bc.ca.

They can also be printed and completed manually; or completed online, printed and filed.

File this form in the court registry and serve it on the other parties of record.

1. The style of proceeding is the part at the top of the document that identifies your case within the court system. You will use the style of proceeding on every one of your documents, whether they are filed in the court registry or not. Insert the court number, the location of the registry (e.g., Vancouver), as it is part of your style of proceeding. Write in the names of the plaintiff and defendant in capital letters (not addresses) in the style of proceeding.

2. Put your name here if you are filing the trial brief.

3. List the issues you want resolved at trial and your position on the issue (e.g., liability for the motor vehicle accident; defendant is 100% liable for the collision).

4. List the documents that you will be entering as exhibits at trial (e.g., the contract of employment between the parties; your bank statements for June, 2009, etc.).

5. List the legal authorities that you intend to rely on at trial (e.g., the *Strata Property Act*, s. 53; *Brown v. Green*, 2008 BCSC 221, etc.).

6. List the orders that you are asking the judge to make (e.g., that the defendant will immediately pay the money the plaintiff spent on repairs to his damaged motor vehicle).

NOTES

Form 42

(Rule 12-4 (1))

1 *[Style of Proceeding]*

TRIAL CERTIFICATE

[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]

2 **Filed by:** .....[*party*].....

I, ...[*name*]....., ...[*the plaintiff/lawyer for the plaintiff/defendant/lawyer for the defendant*]....., CERTIFY THAT:

1 I will be ready to proceed on the scheduled trial date, ...[*date trial is scheduled to begin – dd/mmm/yyyy*]....., at .....[*place of trial*]..... .

2 My current estimate is that the trial will last ..... days.

3 I have completed all examinations for discovery.

4 A trial management conference has been conducted in this action.

5 If the action is settled before trial, I will give the registrar prompt notice of the settlement.

6 I will give the registrar prompt notice of any proposed adjournment of the trial.

Date: .....[*dd/mmm/yyyy*].....

.....

Signature of
[ ] filing party [ ] lawyer for filing party

.....[*type or print name*].....

NOTES

Court forms are available at: www.ag.gov.bc.ca/courts/other/supreme/2010SupRules/info/index_civil.htm.

They can be completed online and filed electronically using Court Services Online: www.courtservicesonline.gov.bc.ca.

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1. The style of proceeding is the part at the top of the document that identifies your case within the court system. You will use the style of proceeding on every one of your documents, whether they are filed in the court registry or not. Insert the court number, the location of the registry (e.g., Vancouver), as it is part of your style of proceeding. Write in the names of the plaintiff and defendant in capital letters (not addresses) in the style of proceeding.

2. Put your name here if you are filing the trial certificate.