



The Supreme Court of British Columbia

TRIAL MANAGEMENT CONFERENCES

Implications of Amendments to Rule 12-2, effective July 1, 2016

Amendments to Rule 12-2 of the Supreme Court Civil Rules, Trial Management Conferences, come into effect on July 1, 2016. These amendments establish several new timelines. Failure to meet the timelines may result in trials being removed from the trial list.

New timelines for filing and serving trial briefs:

As amended, Rule 12-2(3) requires that, unless the Court otherwise orders, the plaintiff must, at least 28 days before the date set for the trial management conference, file a trial brief in Form 41, and serve a copy of the filed trial brief on the other parties of record. [Form 41 is also amended].

Unless the Court otherwise orders, each party of record, other than the plaintiff, must, no later than 21 days before the date set for the trial management conference, file a trial brief in Form 41 and serve a copy of the filed trial brief on the other parties of record.

Example: For a trial scheduled to start on August 31, 2016:

- the trial management conference must be held no later than August 2, 2016;
- the plaintiff must file and serve the trial brief no later than July 4, 2016;
- other parties of record must file and serve their trial briefs no later than July 11, 2016.

If no trial brief is filed, trial may be removed from trial list

If no trial brief is filed by the plaintiff or by other parties of record, the trial and the trial management conference will be removed from the trial list, unless the Court otherwise orders.

If trial briefs filed late, costs may be ordered

Under Rule 12-2(3.2), if a party of record fails to file and serve their trial brief on time, at the trial management conference, the judge or master may order costs against the late filing party.

Consent order dispensing with trial management conference

Under Rule 12-2(3.4), no later than 14 days before the date set for a trial management conference, the parties of record may make a desk order application under Rule 8-3(1) for a consent order dispensing with the need for the trial management conference. In addition to the materials required under Rule 8-3(1), the application to dispense with the trial management conference, must also include a copy of each filed trial brief

The judge or master reviewing the desk order application may make the order if satisfied that the case is ready to proceed to trial and can be completed within the time reserved for it.

Consent Application must be e-filed

In order that consent applications to dispense with trial management conferences may be managed efficiently by our Supreme Court Scheduling (“SCS”) staff, I am directing that such applications be efiled through Court Services Online (“CSO”) and that an email advising of the CSO package number, registry and court file number be sent by the applicant to a dedicated inbox that will be managed by SCS staff.

The particulars of these requirements will be set out in a new Practice Direction which will come into effect on July 1, 2016.

Chief Justice Hinkson
June 1, 2016