



Effective Date: 2010/07/12

Number: PD- 27

Title:

Practice Direction

Corresponding with the Court

Summary:

For the most part, the appropriate way to communicate with the court is through its formal processes. This Practice Direction sets out guidelines which counsel and parties should follow in those limited circumstances when it may be necessary to correspond with the court.

Direction:

Communication with the court should usually be through the court's formal processes

1. In most instances, the appropriate way to communicate with the court is through its formal processes as, for example, by way of applications in chambers, case planning conferences, judicial case conferences or pre-hearing conferences. Parties and counsel should also follow the formal processes in place for booking trial and hearing dates.

Corresponding with the court should be the exception

2. The Rules of Court enumerate a number of particular instances when parties or counsel may send letters to the court. Apart from those occasions, counsel and parties should refrain from writing letters to the court unless the circumstances are exceptional.

When necessary to correspond with the court, the following guidelines should be followed

3. Where it is necessary for counsel or the parties to communicate with the court informally, the following guidelines should be followed:

a. Correspondence should be addressed to the Manager, Supreme Court Scheduling

Letters should be addressed to the Manager, Supreme Court Scheduling and not to a particular judge master or registrar even if he or she is seized of a matter.

b. Requests to appear before a particular judge, master or registrar should be in form prescribed

If the purpose of the correspondence is to request an appearance before a particular judge, master or registrar, the request should be made using the form available on the court's website at the following link:

[http://www.courts.gov.bc.ca/supreme_court/scheduling/Request to Appear Before a Specific Judge or Master/](http://www.courts.gov.bc.ca/supreme_court/scheduling/Request_to_Appear_Before_a_Specific_Judge_or_Master/)

c. Court file number and style of proceedings should be referenced

Correspondence should include the court file number and style of proceeding to which the matter pertains.

d. Counsel/parties corresponding with the court should first consult opposing counsel/parties

In general, counsel or parties should not write to the court without first having conferred with other counsel or interested parties. The correspondence sent to the court should state the views of opposing counsel if different from the writer's view. If the purpose of a letter to the court is to correct an error made by counsel or the party, it is permissible to send a letter to the court without first conferring with opposing counsel or a party.

e. Correspondence should not include argument or submissions

Correspondence to the court should not include argument. In general, unless leave has been given, counsel or a party is not permitted to submit written argument subsequent to the completion of oral argument.

Inquiries concerning reasons for judgment

4. Unless special circumstances have arisen after a trial or hearing which make early delivery of reasons for judgment necessary, inquiries about the issuance of reasons for judgment are

discouraged. In no event should an inquiry concerning the issuance of reasons for judgment be made directly to a judge, master or registrar, or his or her administrative assistant.

Robert J. Bauman
Chief Justice