



THE LAW COURTS
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VANCOUVER, B.C.
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COVID-19: CIVIL AND FAMILY MATTERS – RESUMPTION OF TRIAL MANAGEMENT CONFERENCES AND TRIALS

COVID-19 Notice No. 40

Date: **revised July 27, 2020**

This notice replaces the following notice:

- COVID-19 Notice No. 26 – Civil and Family Matters – Resumption of Trial Management Conferences and Trials, dated June 3, 2020

Introduction

On March 19, 2020, the Honourable Chief Justice Hinkson suspended regular operations of the Supreme Court of British Columbia to protect the health and safety of court users and to help contain the spread of COVID-19.

Effective May 13, 2020, Chief Justice Hinkson directed that Trial Management Conferences (“TMCs”) would proceed by telephone, unless the Court otherwise ordered. The Chief Justice also ordered that certain requirements in the *Supreme Court Civil Rules* and the *Supreme Court Family Rules* regarding the timing of certain TMCs and the timeframes for filing and serving trial briefs (civil matters), trial records, and trial certificates were amended for TMCs and trials scheduled to begin on or before July 24, 2020.

Accordingly, effective **July 27, 2020**, the amendment of certain requirements in the *Supreme Court Civil Rules* and the *Supreme Court Family Rules* regarding the timing of certain TMCs and the timeframes for filing and serving trial briefs, trial records, and trial certificates no longer apply. Parties must schedule TMCs and file and serve trial briefs, trial records and trial certificates pursuant to the *Supreme Court Civil Rules* and the *Supreme Court Family Rules* and [Administrative Notice #13](#). The Court’s direction that TMCs proceed by telephone unless the Court otherwise orders continues to apply.

While the Court is taking all steps necessary to prepare to hear trials, the Court cannot guarantee that matters will proceed as scheduled. The Court’s ability to hear trials will continue to be subject to developments that may occur during the current COVID-19 pandemic.

The process for scheduling TMCs and rebooking trials that have been adjourned due to the Court’s suspension of regular operations is set out below.

I. THE PURPOSE OF A TMC

Given the wide-ranging impacts of COVID-19, the Court recognizes that it is important in these times to hold TMCs to assess whether parties are ready or able to proceed to trial and how the trial may be conducted efficiently within the requirements of public health orders and guidelines. Properly completed trial briefs will assist the Court in making orders setting out a plan for how the trial should be conducted.

Counsel and self-represented parties at a TMC are expected to confirm that the trial or hearing can proceed in accordance with the precautions and restrictions set out in COVID-19 Notice [In Court Measures During the Pandemic](#) and to advise the presiding judge or master of any problems these measures may present. Any such problems should be addressed in advance of the trial or hearing. Counsel and self-represented parties will also need to address any additional concerns that may apply in the specific circumstances of their trial or hearing.

If counsel or self-represented parties are unprepared, the presiding judge or master may adjourn the trial and award costs against the unprepared party or litigant.

It is important to note, however, that holding a TMC does not guarantee that a civil or family trial will proceed on the scheduled date.

II. HOW TO SCHEDULE A TMC

All TMCs must be scheduled to be heard by telephone by following the steps below.

To schedule a TMC a party (“Scheduling Party”) must:

- Make efforts to contact the opposing party to determine a mutually agreeable date for the TMC, and then book the TMC [online](#). If the Scheduling Party is unable to book the TMC online, they should contact Supreme Court Scheduling by phone at the registry where the trial is to be held.
 - For a family matter, the date of the TMC must be scheduled to take place at least **28 days** before the scheduled trial date in accordance with Rule 14-3(1) of the *Supreme Court Family Rules*.
 - For a civil matter, the date of the TMC must take place at least **28 days** and not more than 120 days before the scheduled trial date pursuant to Rule 12-2(1) of the *Supreme Court Civil Rules*.
- Once a TMC has been booked, the Scheduling Party must file and promptly serve on all other parties a requisition in Form F17 with the following information:
 - the date and time of the TMC;

- the venue at which the TMC was booked but also state that the TMC will be heard by telephone; and
- the phone numbers of all parties by which they may be contacted for the hearing of the TMC.
- Trial briefs, trial records, and trial certificates must be filed and served in accordance with the *Supreme Court Civil Rules* and the *Supreme Court Family Rules* and [Administrative Notice #13](#).

Parties are encouraged to e-file their documents through Court Services Online. See COVID-19 Notice [Expansion of Court Operations – In-Person Registry Services](#) for more information on methods of filing.

III. HOW TO REBOOK A TRIAL

This part of the Notice applies to civil and family trials that were adjourned due to the Court’s suspension of regular operations, and that have not already been rebooked. In order to reschedule adjourned trial dates, parties must do **one** of the following: rebook trial dates following the steps in Part A below OR schedule a Judicial Management Conference (“JMC”) to be heard by telephone following the steps in Part B below.

A. Rebooking Trial Dates

Parties should contact Supreme Court Scheduling by phone at the registry where the trial was to be held to rebook the trial based on availability as follows:

- Before rebooking trial dates, the party seeking to rebook (“Rebooking Party”) must make efforts to contact all other parties to determine mutually agreeable dates for the trial.
- When the Rebooking Party calls to schedule the trial, they must advise Supreme Court Scheduling of their file number, that it is a “COVID displaced trial”, the registry location and whether a judge is seized of or assigned to the matter.
- Once trial dates have been scheduled, the Rebooking Party must file and serve promptly on all other parties a notice of trial pursuant to Rule 12-1 of the *Supreme Court Civil Rules* and Rule 14-2 of the *Supreme Court Family Rules*.

Registry contact information can be found online [here](#).

Parties are encouraged to e-file their notice of trial through Court Services Online. See COVID-19 Notice [Expansion of Court Operations – In-Person Registry Services](#) for more information on methods of filing.

B. Scheduling a JMC

To schedule a JMC to be heard by telephone the party seeking a JMC (“Scheduling Party”) must:

- Make efforts to contact all other parties to determine a mutually agreeable date for the JMC, and then book the JMC [online](#). If the Scheduling Party is unable to book the JMC online, they should contact Supreme Court Scheduling by phone at the registry where the trial was to be held.
- Once a JMC has been scheduled, the Scheduling Party must file and promptly serve on all other parties a requisition in Form 17 for civil law matters and Form F17 for family law matters at least **7 days** before the JMC. The requisition:
 - must note the fact that a JMC has been scheduled, the date and time of the JMC, the venue at which the JMC was booked, that the JMC will be heard by telephone, and the phone numbers for all parties by which they may be contacted for the hearing of the JMC; and
 - may list the documents to support the requisition, such as previously filed trial briefs, trial records and trial certificates, if applicable.

One of the purposes of a JMC is to foster a candid discussion about the management of the case during COVID-19 and options on how to move the matter forward. Examples of what may be discussed include: rebooking trial dates, issues of urgency, narrowing of issues, and alternative dispute resolution options.

Registry contact information can be found online [here](#).

Parties are encouraged to e-file their requisition through Court Services Online. See COVID-19 Notice [Expansion of Court Operations – In-Person Registry Services](#) for more information on methods of filing.

THE FOREGOING IS SUBJECT TO CHANGE. ANY UPDATED DIRECTIONS WILL BE POSTED ON THE COURT’S WEBSITE.

Dated **July 27, 2020** at Vancouver, British Columbia

By Direction of Chief Justice Christopher E. Hinkson
Supreme Court of British Columbia