



The Supreme Court of British Columbia

TRIAL MANAGEMENT CONFERENCES

Amendments to Rule 12-2, effective July 1, 2019

Counsel and litigants are asked to take note of amendments to Rule 12-2(1) and Rule 12-2(3.1) of the Supreme Court Civil Rules which came into effect on July 1, 2019.

Timeframe within which Trial Management Conference must take place

Rule 12-2(1) provides:

(1) Unless the court otherwise orders, a trial management conference must take place at least 28 days and not more than 120 days before the scheduled trial date, at a time and place to be fixed by a registrar.

Supreme Court Scheduling will be monitoring compliance with the prescribed timeframe. Note that if a trial is adjourned after a Trial Management Conference (TMC) has taken place, unless the Court otherwise orders, it will be necessary to schedule a further TMC unless the previous TMC took place within 120 days of the new trial date.

Timelines for filing and serving trial briefs

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

Rule 12-2(3.1) requires that, unless the Court otherwise orders, each party of record, other than the plaintiff must, at least 21 days before the date set for the TMC, file a trial brief in Form 41, and serve a copy of the filed trial brief on all other parties of record.

Example:

For a trial scheduled to start on February 24, 2020:

- the trial management conference must be held no later than January 24, 2020;
- the plaintiff must file and serve the trial brief no later than December 24, 2019;
- other parties of record must file and serve their trial briefs no later than January 2, 2020.

If no trial brief filed, trial must be removed from trial list unless otherwise ordered

If no trial brief is filed under Rule 12-3(3) or 12-3(3.1), unless the Court otherwise orders, the trial must be removed from the trial list pursuant to Rule 12-2(3.3).

If trial briefs filed late, costs may be ordered

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