PRACTICE DIRECTIVES

COURT OF QUEEN'S BENCH

Practice Directives

CANCELLATION AND ISSUANCE OF ALL PRACTICE DIRECTIVES EFFECTIVE JULY 1, 2013
AND ADMINISTRATIVE NOTICES

Practice Directives

Commensurate with the new Rule of Court, all Practice Directives issued prior to July 1, 2013 are cancelled, and the following Practice Directives are issued:

No.	Date of creation and last re-issued or revised date	Title (Current Version)
General Application Practice Directives (GA-PD)		
GA-PD NO. 1	July 1, 2013	*Cancellation of Practice Directives issued prior to July 1, 2013*
GA-PD NO. 2	September 1, 2010	*Filing copies of Authorities*
GA-PD NO. 3	September 1, 2013	*Discretionary Orders restricting Media reporting or Public Access*
GA-PD NO. 4	November 1, 2013	*Expedited Pre-Trial Conferences*
GA-PD NO. 5	March 1, 2018	*Gowning Policy for Counsel*
GA-PD NO. 6	October 1, 2014	*Citation of Authorities*
GA-PD NO. 7	February 1, 2016	*Adjournment of Chamber Proceedings*
GA-PD NO. 8	May 1, 2018	*Communication and Correspondence with Judges*
Criminal Practice Directives (CRIM-PD)		
CRIM-PD NO. l	March 1, 2018	*Criminal Pre-Trial Conferences*
CRIM-PD NO. 2	Repealed effective April 17, 2018	
CRIM-PD NO. 3	April 1, 2017	*Safe Handling of Admissible Large or Sensitive Exhibits*
CRIM-PD NO. 4	April 1, 2017	*Obtaining a Subpoena for a Criminal Trial*
CRIM-PD NO. 5	April 1, 2017	*Retention and Release of Criminal Exhibits*
CRIM-PD NO. 6	May 1, 2017	*Summary Conviction or Absolute Jurisdiction Offences*
Civil Practice Directives (CIV-PD)		
CV-PD NO. 1	September 1, 2009 (last revised: July 1, 2013)	*e-Discovery Guidelines*
CV-PD NO. 2	September 1, 2003 (re-issued July 1, 2013)	*Bankruptcy and Insolvency*
CV-PD NO. 3	July 1, 2013	*Canadian Judicial Protocol for the Management of Multi-Jurisdictional Class Actions*
CV-PD NO. 4	April 1, 2017	*Template Orders for use in Bankruptcy Discharge Applications*
CV-PD NO. 5	September 1, 2017	*Applications under The Saskatchewan Human Rights Code*

Family Practice Directives (FAM-PD)		
FAM-PD NO. 1	May 1, 2009 (re-issued July 1, 2013)	*Family Pre-Trial Practice Directive*
FAM-PD NO. 2	October 17, 2001 (re-issued July 1, 2013)	*Mandatory Parenting Education Programs*
FAM-PD NO. 3	April 1, 2008 (re-issued July 1, 2013)	*Objections to Affidavit Evidence in Family Matters*
FAM-PD NO. 4	May 1, 2014	*Family Service Proceedings*
FAM-PD NO. 5	September 1, 2018	*Summary Hearings in Family Services Proceedings*

ADMINISTRATIVE NOTICES
PARENTING AFTER SEPARATION PROGRAM

This Notice re-issues a Notice to the Profession issued on December 13, 2010, by the then Court of Queen's Bench Registrar, Melanie Baldwin.

The Court of Queen's Bench Family Law Practice Committee is a committee composed of Judges from the Court's Family Law Division which considers matters of family law practice and policy in the Court. The Family Law Practice Committee has noted that parties continue to attempt to take further steps in family law proceedings without first attending the Parenting After Separation program and filing a certificate of attendance with the Court or obtaining an exemption from the requirement as contemplated in s.44.1 of *The Queen's Bench Act, 1998*. This practice occurs throughout the province.

Parties to family law proceedings and their counsel should be aware of the following aspects/requirements ofthe Parenting After Separation program:

- The Parenting After Separation program is mandatory in all Judicial Centres in Saskatchewan.

- A party to a family law proceeding must attend the Parenting After Separation program and file a certificate of attendance with the Court or obtain an exemption from this requirement before taking any further step in a family law proceeding.

- If more than two years have elapsed since a party attended the Parenting After Separation program, the party must do so again and file the appropriate certificate or must obtain an exemption before taking any further step in a family law proceeding.

- If a party's personal circumstances do not permit him/her to attend at a centre where the Parenting After Separation program is offered but that party has access to a computer and a printer, the Saskatchewan Ministry of Justice offers a CD version of the program. A party wanting to access the CD version must contact Cornell Beuker, the Ministry's Parent Education Coordinator at (306) 933-5937 or 1-877-964-5501 toll-free to apply for the CD version of the program, must watch the CD and must satisfactorily complete and return a number of worksheets to Ms. Beuker.

This Administrative Notice is issued this 20th day of June, 2013.

Chief Justice M.D. Popescul,

Court of Queen's Bench for Saskatchewan.

TEMPLATE RECEIVERSHIP AND C.C.A.A. INITIAL ORDERS

This Notice re-issues a Notice to the Profession issued on July 16, 2010, by then Chief Justice R.D. Laing.

In June 2006, the Court of Queen's Bench endorsed a template receivership order and accompanying explanatory notes for counsels' use in all proceedings before the Court. In June 2008, the Court endorsed a template *Companies' Creditors Arrangement Act* initial order and accompanying explanatory notes for applications under that Act. These documents were posted on the Canadian Bar Association website at: www.cba.org/saskatchewan/main/templateorders.

In response to the amendments to the *Bankruptcy and Insolvency Act* and *The Companies' Creditors Arrangement Act* in September 2009, the Court again, through its Bankruptcy and Insolvency Panel in consultation with the Bankruptcy and Insolvency section of the Canadian Bar Association, Saskatchewan Branch, revised both the receivership and C.C.A.A. initial orders. These are now posted on the same C.B.A. website.

Any counsel who intends to apply to the Court for either a receivership order or a C.C.A.A. initial order is directed to utilize these template orders, and to advise the presiding judge of any additions or changes to those orders by way of highlighting in bold letters or black-lining. While the discretion of any presiding judge is unfettered by the use of these template orders, it is expected that any draft orders presented by counsel in an application will be substantially in compliance with the template orders.

This Administrative Notice is issued this 20th day of June, 2013.

Chief Justice M.D. Popescul,
Court of Queen's Bench for Saskatchewan.

WITHDRAWAL BY CRIMINAL DEFENCE LAWYERS FROM ACTING FOR AN ACCUSED PERSON

This Notice re-issues a Notice to the Profession issued on May 7, 2008, by then Chief Justice R.D. Laing.

Criminal defence lawyers seeking to withdraw from acting for an accused client shortly before a trial is scheduled to commence creates problems for the Court's schedule. In many cases such late withdrawals are due to the lawyer not having been paid his or her fee. The historical ethical rule for lawyers has been that a lawyer may only withdraw from acting for a client for non-payment of fees if there remains ample time prior to the trial date for the accused person to retain another counsel to act. Our Court has decided 60 days prior to the trial date is the minimum time in which this may occur. The Court adopts the following policy.

> Within 60 days of a trial date, defence counsel seeking to withdraw must apply by notice of motion supported by an affidavit that states the withdrawal is not due to the client's non-payment of fees. No other reason for the withdrawal is required. If the application for withdrawal is due to non-payment of fees, the lawyer may not be allowed to withdraw.

The foregoing policy is not considered onerous on defence lawyers who will now be in a position to advance the date for payment with their clients, and will assist the Court in reducing the number of criminal trials that must be adjourned.

This Administrative Notice is issued this 20th day of June, 2013.

Chief Justice M.D. Popescul,
Court of Queen's Bench for Saskatchewan.

THE CLASS ACTIONS ACT

This Notice re-issues a Notice to the Profession issued on December 20, 2007, by then Chief Justice R.D. Laing.

The Canadian Judicial Council has endorsed the recommendation of the Uniform Law Conference of Canada for the creation of a Central Class Action Registry to facilitate the exchange of information about all class actions instituted in Canadian Provinces, including multi-jurisdictional class actions. This Registry became operational as of January, 2007.

Most of the superior trial courts across Canada have issued Practice Directions along the lines of this one, or will be doing so in the near future in support of the Class Action Database. In Saskatchewan, there is another reason for our Court endorsing the Class Action Registry, and it is that in December, 2007, *The Class Actions Amendment Act, 2007*, was assented to, but not yet proclaimed. One of the amendments is a notification requirement at the time of an application for certification in a multi-jurisdictional class action. This practice direction will satisfy the notification requirements contained in the amendment.

Effective February 1, 2008, lawyers acting on behalf of plaintiffs in respect of proceedings under *The Class Actions Act*, S.S. 2001, c.C-12.01, are to comply with the following procedure:

Within 10 days of service or filing, whichever is earlier, a copy of any:

1. originating process; or
2. notice of motion for certification (not including affidavits in support); or
3. amendments to the foregoing

is to be sent electronically to the National Class Action Database of the Canadian Bar Association at the following address: CBA National Class Action Database, E-mail: classaction@cba.org; Attention: Kerri Froc.

A registration form must be used when submitting documents to the National Class Action Database, and data must be entered electronically. A copy of this registration form may be obtained online through the CBA website, www.cba.org. PDF is the preferred format for documents; however, MS Word documents will be accepted.

This Administrative Notice is issued this 20th day of June, 2013.

Chief Justice M.D. Popescul,
Court of Queen's Bench for Saskatchewan.

GUIDELINES APPLICABLE TO COURT-TO-COURT COMMUNICATIONS IN CROSS-BORDER CASES

This Notice re-issues a Notice to the Profession issued on April 26, 2007, by the then Chief Justice. R.D. Laing.

In 2000, the American Law Institute developed *Guidelines Applicable to Court-to-Court Communications in Cross-Border Cases* (the *Guidelines*) as part of its Transnational Insolvency Project. The *Guidelines* are intended to enhance co-ordination and harmonization of insolvency proceedings which involve more than one jurisdiction by providing the directions for communications between the courts in the jurisdictions involved. The *Guidelines* are applicable to cross-border communications between Canada and the United States of America and between Canada and Mexico.

The International Insolvency Institute approved the *Guidelines* in 2001 and recommended that insolvency professionals and courts adopt the *Guidelines* to facilitate court-to-court communications in cross-border matters. In October 2006, the Canadian Judicial Council passed a resolution that all provincial jurisdictions adopt the *Guidelines*.

Following this recommendation, the Court of Queen's Bench for Saskatchewan reviewed and adopted the *Guidelines* on November 29, 2006. The *Guidelines* are available on the International Insolvency Institute website at www.iiiglobal.org.

The *Guidelines* are intended to encourage and facilitate co-operation in international cases while observing all applicable rules and procedures of the Court of Queen's Bench. The *Guidelines* are not restricted to insolvency cases, and may be of assistance in other international cases. The *Guidelines* do not alter the substantive rights of the parties. Utilization of these *Guidelines* by our Court will be contingent upon the adoption of the *Guidelines* by the court or courts in the other country in a substantially similar manner to ensure that judges, counsel, and parties are not subject to different standards of conduct.

This Administrative Notice is issued this 20th day of June, 2013.

Chief Justice M.D. Popescul,
Court of Queen's Bench for Saskatchewan.

CORRESPONDENCE ADDRESSED TO JUDGES RELATED TO PROCEEDINGS BEFORE THE COURT AND FILING LETTERS AND DOCUMENTS IN A PROCEEDING

This Administrative Notice is to remind members of the Legal Profession and persons who represent themselves in proceedings before the court that it is not appropriate to correspond or attempt to correspond directly with a Judge that relates to a proceeding before the Court.

Where it is appropriate to make a submission to or contact the Court or Judge related to a proceeding before the Court, the letter, email or phone call should be addressed and/or directed to the Local Registrar, unless a Judge specifically grants permission to allow direct contact.

Generally submissions to or contact with the Court related to proceedings before it are to be made in accordance with the Rules of Court in the prescribed form. Therefore letters and documents should not be presented for filing on the Court file except where the letter is addressed to the Local Registrar and is submitted in the following circumstances:

1. The correspondence does no more than provide a case citation and a copy has been sent to the other side;

2. The Judge has requested further information or submissions and the request has been endorsed on the file;

3. The correspondence is attached to an Affidavit that is filed with the court as part of an Application in accordance with the Rules of Court;

4. The correspondence is filed to give notice or make a request referenced in the Rules of Court where no form is otherwise prescribed. For example a request for a case conference pursuant to section 4-4 of the Rules of Court;

5. The correspondence only relates to scheduling including adjournments or cancellation of proceedings.

This Administrative Notice is issued this 20th day of June, 2013.

Chief Justice M.D. Popescul,
Court of Queen's Bench for Saskatchewan.

CERTIFIED COPY OF PLEADINGS

Queen's Bench Rule 4-11 requires that a certified copy of pleadings be filed together with the request for a pre-trial conference. This Administrative Notice is issued to provide guidance as to what should be included in the certified copy of pleadings.

The certified copy of pleadings should include:

- Statement of Claim
- Statement of Defence to Statement of Claim, including Statements of Defence with Counterclaim, Cross Claim and Third Party Claim
- Statement of Defence to Counterclaim, Cross Claim and Third Party Claim
- Reply to Statement of Defence (including Replies to Defences of Counterclaims, Cross Claims and Third Party Claims)
- Demand for Particulars and Reply to Demand for Particulars

Some interlocutory orders, if they are of some consequence to the proceedings may be included.

In proceedings commenced by Petition, a certified copy of the Petition and Answer is not to be filed.

The certified copy of pleadings should not include:

- Affidavit of Documents
- Affidavits of Service
- Record of Interlocutory Proceedings
- Demand for Jury
- Offers to Settle
- Notice of Payment into Court

Where pleadings have been amended, only the amended pleading is to be included.

This Administrative Notice is issued this 20th day of June, 2013.

Chief Justice M.D. Popescul,
Court of Queen's Bench for Saskatchewan.

GENERAL APPLICATION PRACTICE DIRECTIVE NO. 1
CANCELLATION OF PRACTICE DIRECTIVES ISSUED PRIOR TO JULY 1, 2013

Effective: July 1, 2013

REFERENCE: GA-PD NO. 1.

Former reference: n/a

1 Commensurate with the new Rules of Court coming into effect on July, 1, 2013, all Practice Directives of the Court of Queen's Bench in effect prior to July 1, 2013, are hereby cancelled.

2 Practice Directives issued on or after July 1, 2013, will be referenced by title, category and number. Each Practice Directive will set out when it, or its predecessor, was created and the date of its last revision.

3 Each Practice Directive will be sorted into the following categories:

- General Application – Practice Directives in this category will be referred to as GA-PD.
- Criminal – Practice Directives in this category will be referred to as CRIM-PD.
- Civil – Practice Directives in this category will be referred to as CV-PD.
- Family – Practice Directives in this category will be referred to as FAM-PD.

4 All Practice Directives shall be issued on the authority of the Chief Justice of the Court of Queen's Bench.

Chief Justice M.D. Popescul,
Court of Queen's Bench for Saskatchewan.

GENERAL APPLICATION PRACTICE DIRECTIVE NO. 2
FILING COPIES OF AUTHORITIES

Effective: July 1, 2013

REFERENCE: GA-PD NO. 2

Former Reference: Practice Directive No. 7 issued September 1, 2010.

1 This Practice Directive relates to authorities, such as case reports, statutes and articles from legal journals that are filed by counsel and parties.

2 Cases filed must always include the head note. The case should contain only as much of the text as is necessary to provide a full understanding of the passages relied on. This might require that the entire case be provided, but often only excerpts will be necessary.

3 The passages in the authorities that are relied on should be marked by way of highlighting, underlining or similar technique.

4 Where case reports from electronic databases are used, at least a neutral citation (e.g., 2011 SKQB 444) must be included.

5 Authorities may be printed on both sides of the page.

6 Following conclusion of argument and the handing down of the fiat or judgment, local registrars may remove from the file and return all photocopies of authorities, to the counsel filing same, but counsels' briefs will remain on the file. Where settlement is reached at a pre-trial, briefs of argument and photocopies of authorities shall be returned to the counsel filing same.

Chief Justice M.D. Popescul,
Court of Queen's Bench for Saskatchewan.

GENERAL APPLICATION PRACTICE DIRECTIVE NO. 3
DISCRETIONARY ORDERS RESTRICTING MEDIA REPORTING OR PUBLIC ACCESS

Effective: January 1, 2014

REFERENCE: GA-PD NO. 3

Revised: July 1, 2014

Practice Directive GA-PD No. 3 issued on January 1, 2014 is repealed and replaced with this revised Practice Directive GA-PD No. 3 issued on July 1, 2014.

Notice to Parties

1 An applicant for a discretionary order restricting media reporting of, or media or public access to a proceeding shall, at least three days before the proceeding to which the order is to apply, serve the parties to the proceeding with a Notice of Application, supporting affidavit and draft order.

Requirements of the Notice of Application

2 The Notice of Application must:

(a) State the basis for the application;

(b) Set forth the grounds on which the application is made including the authority under which the order is sought, whether it is the common law discretion of the Court or a specific statutory provision; and

(c) State precisely the relief sought by the applicant, including the particular terms of the order being sought.

Notice to Media

3 An applicant for a discretionary order restricting media reporting of, or media or public access to a proceeding shall, at least three clear days before the hearing of the application, complete the electronic Notice of Application for a Publication Ban that can be found in the Resources section of the Saskatchewan Law Courts' website (www.sasklawcourts.ca).

4 Notice to the media described in paragraph 3 also applies to application to vary, vacate or set aside a discretionary order.

Standing

5 Standing to be heard on the application remains in the sole discretion of the judge hearing the application.

Interim Order

6 On prior application, with or without notice, by the person seeking the discretionary order, a judge may restrict access to and or ban publication of the information that is the subject of the application until the application is heard.

Chief Justice M.D. Popescul,
Court of Queen's Bench for Saskatchewan.

New. Gaz. 1 Aug. 2014.

GENERAL APPLICATION PRACTICE DIRECTIVE NO. 4
EXPEDITED PRE-TRIAL CONFERENCES

Effective: November 1, 2013

REFERENCE: GA-PD NO. 4

1 The Local Registrar at each judicial centre shall maintain an "expedited pre-trial conference list". The purpose of the list is to provide litigants, including ones who have already been assigned a pre-trial conference date, to have their pre-trial conference scheduled or re-scheduled to an earlier date, in situations where the Court calendar opens up as a result of an originally scheduled matter falling through.

2 An action may be placed on the expedited pre-trial list when all of the following conditions have been met:

(a) the parties have complied with Queen's Bench Rule 4-11 and the pre-trial conference in the action is either scheduled or eligible to be scheduled;

(b) each party has filed their pre-trial brief; and

(c) each party has agreed to be placed on the expedited pre-trial list.

3 The Local Registrar shall list the actions on the expedited pre-trial list in the order that they became eligible to be placed on the list. When due to cancellations or other causes, the Court's calendar opens up, the Local Registrar will offer that date or dates to the parties in each action in the order that they have been placed on the list.

4 In the event that the parties refuse an expedited date, they shall remain on the expedited list and maintain their position in the order of priority.

5 This practice directive does not alter the continued duty of the Local Registrar to schedule pre-trial conferences pursuant to Queen's Bench Rule 4-11(9), notwithstanding that the pre-trial briefs have not yet been filed.

Chief Justice M.D. Popescul,
Court of Queen's Bench for Saskatchewan.

New. Gaz. 8 Nov. 2013.

GENERAL APPLICATION PRACTICE DIRECTIVE NO. 5
GOWNING POLICY FOR COUNSEL

Effective: March 1, 2018

REFERENCE: GA-PD NO. 5

Unless the presiding judge otherwise directs:

1 Counsel are required to gown for all appearances before the Court of Queen's Bench, except for the appearances described in paragraph 2.

2 Counsel are not required to gown for:

(a) Chambers;

(b) pre-trial conferences;

(c) *The Residential Tenancies Act* appeals heard in Chambers; or

(d) bail reviews; and

(e) appearances before the Court to set date for a detention review hearing pursuant to section 525 of the *Criminal Cod*e.

3 Counsel who need to wear altered robes as a consequence of their personal circumstances, should inform the court clerk or local registrar in advance of the hearing or trial of the alteration and to a general extent, of the circumstances that necessitate it.

Chief Justice M.D. Popescul,
Court of Queen's Bench for Saskatchewan.

New. Gaz. 23 Feb. 2018.

GENERAL APPLICATION PRACTICE DIRECTIVE NO. 6
CITATION OF AUTHORITIES

Effective: October 1, 2014

REFERENCE: GA-PD NO. 6

1 The citations included in all briefs, written arguments, memoranda of law and other written submissions filed with the Court must comply with the *Citation Guide for the Courts of Saskatchewan*.

2 The *Citation Guide for the Courts of Saskatchewan* is attached to and forms part of this Practice Directive.

Chief Justice M.D. Popescul,
Court of Queen's Bench for Saskatchewan.

Explanatory Note:

The Citation Guide for the Courts of Saskatchewan makes important changes to legal citation in the courts of Saskatchewan. Some of those changes are:

- A requirement to identify an electronic source in the citation under certain circumstances;
- A consistent approach to the use and format of short forms that identify case law or legislation that has previously been cited; and
- A hybrid approach to the use of periods in citations.

Editorial Note: For the purposes of this publication, the *Citation Guide for the Courts of Saskatchewan* is located at the end of the document or can be found online at www.qp.gov.sk.ca.

GENERAL APPLICATION PRACTICE DIRECTIVE NO. 7
ADJOURNMENT OF CHAMBER PROCEEDINGS

Effective: February 1, 2016

REFERENCE: GA-PD No. 7

Consent Adjournments

1 Where all parties involved in an application have consented to adjourn a matter scheduled for chambers, appropriate notice of the request to adjourn by consent pursuant to Rule 6-16(1), must be provided to the local registrar **as soon as possible**, and in any event, no later than 4:00 p.m. on the:

(a) Thursday preceding Monday chambers;

(b) Friday preceding Tuesday chambers;

(c) Monday preceding Wednesday chambers;

(d) Tuesday preceding Thursday chambers; or

(e) Wednesday preceding Friday chambers.

2 Where appropriate notice of the request to adjourn by consent is received in accordance with the time set out in paragraph 1, the local registrar shall adjourn the matter to the date agreed upon and no party will be required to attend chambers to speak to the adjournment unless the presiding Judge otherwise directs.

3 Where appropriate notice of the request to adjourn by consent is **not** received by the local registrar in accordance with the time set out in paragraph 1, the parties must:

(a) notify the local registrar **as soon as possible** that a request to adjourn the matter will be made; and

(b) attend chambers to speak to the adjournment unless the presiding Judge otherwise directs.

4 Pursuant to Rule 6-16, "appropriate notice of the request to adjourn by consent" means a written request to adjourn signed by all parties involved in the application (or their lawyers or agents), unless the local registrar considers it appropriate to accept an oral consent.

Adjournment Requests without Consent

5 Any party seeking to adjourn a matter scheduled for chambers, without the consent of all parties involved in the application must, **as soon as possible**:

(a) advise the local registrar of their intention to seek an adjournment; and

(b) whenever possible, serve and file a written explanation of the reasons for seeking an adjournment and, if known, the reasons why consent from the other parties involved in the application has not been provided.

***The Child and Family Services Act* Matters**

6 This practice directive does not apply to proceedings under *The Child and Family Services Act, S.S. 1989-90,*c.C-7.2.

Chief Justice M.D. Popescul,
Court of Queen's Bench for Saskatchewan.

New. Gaz. 15 Jan. 2016.

GENERAL APPLICATION PRACTICE DIRECTIVE NO. 8
COMMUNICATION AND CORRESPONDENCE WITH JUDGES

Effective: May 1, 2018

REFERENCE: GA-PD No. 8

Former reference: Administrative Notice issued June 20, 2013.

1 Unless specifically provided for in *The Queen's Bench Rules* or this practice directive, lawyers or parties to a court proceeding must not, by any means, communicate directly or indirectly with a judge outside of court, about a proceeding before the court.

2 An informal communication in accordance with this practice directive is permitted in the following circumstances:

(a) in accordance with a judge's fiat or written direction;

(b) the communication is in writing and does no more than provide a case citation;

(c) the communication is in writing and is for the purpose of notifying the court of the party's objection to a without notice application by the opposing party;

(d) the communication only relates to scheduling, including adjournments or cancellation of proceedings.

3 Any informal communication by letter, email, telephone or other means, must be addressed to the local registrar, unless a judge specifically grants permission to allow direct contact.

4 At the same time that any party provides an informal communication to the local registrar, a copy of the informal communication shall be directed to all opposing parties.

5 Informal communications, while less formal, are subject to the same principles of civility as any other court proceedings.

6 Where a person seeks to communicate with a judge in a matter not related to proceedings before the court, but in the judge's capacity as a judge, a request to communicate directly with a judge should be made through a local registrar.

Chief Justice M.D. Popescul,
Court of Queen's Bench for Saskatchewan.

New. Gaz. 4 May 2018.

CRIMINAL PRACTICE DIRECTIVE NO. 1
CRIMINAL PRE-TRIAL CONFERENCES

Effective: March 1, 2018

REFERENCE: CRIM-PD NO. 1

FORMER REFERENCE: Practice Directive No. 2 issued January 1, 1989

1 Pre-trial conferences will be held for all criminal cases in all judicial centres.

2 Section 625.1(1) of the *Criminal Code* applies to both jury and non-jury pre-trial conferences. The judge who conducts a pre-trial conference is expected to read the transcript of the preliminary inquiry or the Crown summary as prepared pursuant to paragraph 6. The pre-trial judge will not preside at the trial of the matter but with the consent of both parties may accept a plea of guilty and sentence the accused.

3 The Crown shall promptly file the indictment and witness list in advance of the pre-trial conference, and any summary prepared pursuant to paragraph 6 if applicable.

4 Where an accused is representing himself/herself at the pre-trial conference, the pre-trial conference should be limited to setting dates for pre-trial motions and trial and for addressing the question of whether the accused will engage counsel for the trial.

5 A pre-trial conference report should be completed by the pre-trial judge when the matter is expected to proceed to trial. This report will identify undertakings, admissions, motions to be brought, *voir dires* to be held, etc. The report will be placed on the file and will be available to counsel and the accused, if self-represented. Other discussions at the pre-trial are confidential and shall not be raised by either party at the trial.

6 In the event that the preliminary inquiry has been waived, there has been consent to committal for trial without evidence being called or the Crown has filed a direct or preferred indictment, the Crown shall prepare and provide a written summary of the evidence expected to be presented by the Crown at trial, to the pre-trial judge and defence counsel as soon as possible, but no later than two weeks before the first date set for the pre-trial conference. This summary shall be sealed at the conclusion of the pre-trial conference and kept by the pre-trial judge in the event the case is set for trial. In the event the matter proceeds to a jury trial a copy of the Crown's written summary of its case shall be provided to the trial judge.

7 The Queen's Bench judge who commences the pre-trial conference will manage all issues that may arise until the commencement of the trial or thereafter, as necessary, with the consent of the parties.

8 In Regina, Saskatoon, Prince Albert, Melfort and Battleford special days are set aside for pre-trial conferences. At these judicial centres, if an accused has waived his/her preliminary inquiry, the Provincial Court will fix the date on which the accused must appear in the Court of Queen's Bench to the next special day scheduled for pre-trial conferences. If there has been a preliminary inquiry at which evidence has been called, and in all other cases, the local registrar will set the case for pre-trial conference to the next regularly scheduled day for pre-trial conferences. In the event the transcript of evidence from the preliminary inquiry has not been received, the matter will be set to the next pre-trial conference date immediately following the receipt of the transcript.

9 In Estevan, Moose Jaw, Swift Current and Yorkton there are no special days set aside for pre-trial conferences. At these judicial centres, if an accused has waived his/her preliminary inquiry, the Provincial Court will fix the date on which the accused must appear in the Court of Queen's Bench to the next regularly scheduled Chambers date. At that time the presiding Queen's Bench judge will set a date for a pre-trial conference in consultation with the local registrar and the parties. Unless otherwise ordered, the parties may appear by telephone if a written request is made. If there has been a preliminary inquiry at which evidence has been called, and in all other cases, the local registrar will set the case for a pre-trial conference forthwith in consultation with the parties.

Chief Justice M.D. Popescul,
Court of Queen's Bench for Saskatchewan.

New. Gaz. 23 Feb. 2018.

CRIMINAL PRACTICE DIRECTIVE NO. 2

Repealed. Gaz. 27 Apr. 2018.

CRIMINAL PRACTICE DIRECTIVE NO. 3
SAFE HANDLING OF ADMISSIBLE LARGE OR SENSITIVE EXHIBITS

Effective: April 1, 2017

REFERENCE: CRIM-PD NO. 3

1 In order to promote the safe handling of exhibits and the efficiency of court proceedings, counsel are encouraged to reach agreement on the filing of exhibits prior to trial.

2 Whenever possible, photographs of drugs, money, weapons, or large or bulky exhibits, should be tendered instead of the actual exhibit. In drug cases, this extends to tendering a photograph of the drug instead of the drug, as well as tendering a photograph of the H envelope containing the sample of the drug instead of the H envelope.

3 In the event a firearm is tendered as an exhibit, the firearm should be trigger-locked or otherwise rendered inoperable. Whenever possible, firearms should be tendered into evidence through a witness trained in the handling of firearms.

4 This directive is intended to address how large and sensitive exhibits might be tendered as evidence and does not affect the admissibility of exhibits.

5 Counsel are reminded of the applicability of the following provisions of the *Criminal Code*:

> Section 603(a) of the *Criminal Code* permits the accused, after he has been ordered to stand trial or at his trial, to inspect the evidence and the exhibits.
>
> With respect to proceedings pursuant to section 334, 344, 348, 354, 355.2, 355.4, 362 or 380 of the *Criminal Code*, section 491.2(2) permits the use of photographs. Notice is required pursuant to section 491.2(5).

Chief Justice M.D. Popescul,
Court of Queen's Bench for Saskatchewan.

New. Gaz. 24 Mar. 2017.

CRIMINAL PRACTICE DIRECTIVE NO. 4
OBTAINING A SUBPOENA FOR A CRIMINAL TRIAL

Effective: April 1, 2017
Revised: May 1, 2018

REFERENCE: CRIM-PD NO. 4

Practice Directive CRIM-PD No. 4 issued on April 1, 2017 is repealed and replaced with this revised Practice Directive CRIM-PD No. 4 effective May 1, 2018.

1 The purpose of this directive is to ensure that:

(a) subpoenas are issued only to witnesses who can provide material evidence at trial; and

(b) persons receiving a subpoena are informed in advance of their choices concerning oaths.

2 Local registrars and deputies will not issue blank subpoenas.

3 Where the Crown applies for a subpoena, the Crown shall complete and file with the local registrar or deputy the attached Form A certificate together with the subpoena(s) to be issued. The name(s) of the witness(es) listed in the certificate must match the name(s) on the subpoena(s) being issued.

4 Where the defence applies for a subpoena, either counsel for the accused or a self-represented accused must complete and file with the local registrar or deputy, the attached Form B certificate together with the subpoena(s) to be issued.

5 Local registrars and deputies are authorized to question the person seeking the subpoena to ensure that the witness named in the subpoena can provide material evidence or testimony at trial. If a local registrar or deputy is not satisfied that the witness named in the subpoena can provide material evidence or testimony at trial then they shall not issue the subpoena. In that event, the person seeking the subpoena may complete a brief written summary of the evidence the applicant believes the witness can provide at trial and ask the local registrar or deputy to refer the request with the written summary to a judge.

6 In the case of subpoena requests by the defence, the written summary of the evidence referred to in paragraph 5, the Form B certificate, and any other documents containing the names of the defence witnesses to whom a subpoena is issued or sought must be sealed and not opened except on the order of a judge. The contents of the sealed documents and discussions with a registrar concerning the evidence a defence witness may provide are to be kept confidential.

7 No copy of any subpoena issued is kept on the court file. The only record on the court file of a subpoena being issued is the filed certificates in Form A and/or B.

8 The party seeking the subpoena must print the following notice in a legible font at the bottom of all subpoenas to be issued by the court:

NOTICE ON CHOICE OF OATH: When you come to court you will be offered the choice of swearing an oath or making an affirmation. An affirmation is a non-religious promise to tell the truth. An oath can be taken in any way that is consistent with your religious beliefs, so long as you take an oath which binds your conscience to tell the truth. If you wish to give your evidence by swearing an oath upon a holy text, other than the Christian Bible, Jewish Bible, Koran or Bhagavad-Gita (which are readily available in all Queen's Bench court houses), contact the local registrar to confirm that the holy text of your choice is available at that court location. Alternatively, you may bring with you any religious symbol or holy text and advise the clerk of the court prior to court commencing, how you wish to take your oath.

9 Where a subpoena is sought from the court to compel a person located outside Saskatchewan to give evidence before a Provincial Court judge or a justice of the peace pursuant to subsections 699(2)(b) and (3) of the *Criminal Code*, the subpoena will not be granted except by order of a justice of the Court of Queen's Bench made on Application without Notice by a party to the proceedings.

Subsections 699(2) and (3) of the *Criminal Code*

Order of judge

(2) If a person is required to attend to give evidence before a provincial court judge acting under Part XIX or a summary conviction court under Part XXVII or in proceedings over which a justice has jurisdiction, a subpoena directed to the person shall be issued:

(a) by a provincial court judge or a justice, where the person whose attendance is required is within the province in which the proceedings were instituted; or

(b) by a provincial court judge or out of a superior court of criminal jurisdiction of the province in which the proceedings were instituted, where the person whose attendance is required is not within the province.

Order of judge

(3) A subpoena shall not be issued out of a superior court of criminal jurisdiction pursuant to paragraph (2)(b), except pursuant to an order of a judge of the court made on application by a party to the proceedings.

Chief Justice M.D. Popescul,
Court of Queen's Bench for Saskatchewan.

New. Gaz. 27 Apr. 2018.

Form A

Court File Number

Judicial Centre of _____

In the matter of: Her Majesty The Queen v._____

CROWN CERTIFICATE TO OBTAIN SUBPOENA

THE UNDERSIGNED HEREBY CERTIFIES:

1 That I am a Crown prosecutor.

2 That I have determined upon information and belief that the following witnesses are likely to give material evidence in the within proceeding.

_____

_____

_____

_____

(print full name of witness and city/town of residence)

3 That I provide this certificate in support of my request that a subpoena be issued to each of the above named persons to testify in the matter. .

DATED at _____, Saskatchewan, this _____ day of_____, 2 _____ .

_____

(signature of Crown prosecutor)

_____

(print name of Crown prosecutor)

New. Gaz. 27 Apr. 2018.

Form B

Court File Number

Judicial Centre of _____

In the matter of: Her Majesty The Queen v._____

DEFENCE CERTIFICATE TO OBTAIN SUBPOENA

THE UNDERSIGNED HEREBY CERTIFIES:

1 That I am the _____
(defendant / lawyer for defendant)

2 That I believe that the witness(es) named in the subpoena(s) presented to the clerk of the court with this certificate are each likely to give material evidence in this matter.

DATED at _____, Saskatchewan, this _____ day of_____, 2 _____ .

_____
(signature of applicant)

_____
(signature of applicant)

New. Gaz. 27 Apr. 2018.

CRIMINAL PRACTICE DIRECTIVE NO. 5
RETENTION AND RELEASE OF CRIMINAL EXHIBITS

Effective: April 1, 2017

REFERENCE: CRIM-PD NO. 5

1 Subject to the specific provisions of the *Criminal Code*, the *Controlled Drugs and Substances Act* and the mandatory retention of criminal exhibits described in paragraph 2, the trial judge, with the consent of the parties, may make an order for the release of exhibits at the expiry of all appeal periods.

2 No order should be made directing the return of exhibits, following any trial, hearing or stay of proceedings, in proceedings:

(a) involving a homicide including offences such as murder, manslaughter, or any offence causing death;

(b) involving dangerous offender and/or long-term offender designations;

(c) resulting in a life sentence being imposed; or

(d) involving exhibits that have potential DNA implications.

3 All exhibits as listed within 2(a) to (d), inclusive, shall be retained for a minimum of seventy-five (75) years from the date of commencement of the file. At the expiry of seventy-five (75) years, the exhibits are to be released only by order of the Chief Justice or his or her designate.

Chief Justice M.D. Popescul,
Court of Queen's Bench for Saskatchewan.

New. Gaz. 24 Mar. 2017.

CRIMINAL PRACTICE DIRECTIVE NO. 6
SUMMARY CONVICTION OR ABSOLUTE JURISDICTION OFFENCES

Effective: May 1, 2017

REFERENCE: CRIM-PD NO. 6

No Summary Conviction or Absolute Jurisdiction Offences on Indictment

1 No summary conviction offences or absolute jurisdiction offences should be included on an indictment filed in the Court of Queen's Bench.

No Summary Conviction Offences will be tried in the Court of Queen's Bench

2 Since the Court of Queen's Bench is the summary conviction appeal court, the Court of Queen's Bench will not try a summary conviction offence, whether or not the facts underlying that offence are closely related to an indictment being tried in the Court of Queen's Bench.

When Provincial Court Informations may be spoken to in the Court of Queen's Bench ("Ride Along" Informations)

3 Provincial Court informations will only be spoken to or otherwise dealt with in the Court of Queen's Bench if:

(a) the Crown and defence consent; and

(b) defence counsel waives delay on the Provincial Court informations.

(It is expected that this will most commonly occur as part of the pre-trial process).

Trial of Absolute Jurisdiction Offence in the Court of Queen's Bench

4 A judge of the Court of Queen's Bench trying an offence on an indictment may also try an absolute jurisdiction offence contained on a Provincial Court information if:

(a) the offence is an absolute jurisdiction offence on which the Crown has elected to proceed by indictment;

(b) the facts underlying the absolute jurisdiction offence are closely related to the facts underlying charges contained on the indictment before the Court in respect of the same accused person; and

(c) the trial of the absolute jurisdiction offence is heard at the same time by the same Queen's Bench judge.

Accepting a Guilty Plea on a Summary Conviction or Absolute Jurisdiction Offence

5 A judge of the Court of Queen's Bench may, at the same time as accepting an accused's guilty plea on an indictment, also accept the accused's guilty plea on a summary conviction offence and/or absolute jurisdiction offence contained on a Provincial Court information, even if the facts underlying the offence are not closely related to the charges contained on the indictment provided that the Crown and defence make a joint submission on sentence.

When Provincial Court informations are spoken to in the Court of Queen's Bench, the Court of Queen's Bench will attach a separate Queen's Bench endorsement sheet to the original Provincial Court Information and Provincial Court endorsements. The Court of Queen's Bench will record its endorsements relating to the information on this sheet. When the original information with Provincial Court endorsements are returned to Provincial Court, the Queen's Bench endorsement sheet will be attached. A copy will be retained on the Court of Queen's Bench file.

Chief Justice M.D. Popescul,
Court of Queen's Bench for Saskatchewan.

CIVIL PRACTICE DIRECTIVE NO. 1
E-DISCOVERY GUIDELINES

Effective: July 1, 2013

REFERENCE: CIV-PD NO. 1

Former Reference: Practice Directive No. 6 issued September 1, 2009.

Introduction

1 While electronic documents are included in the definition of "document" contained in Rule 17-1 of *The Queen's Bench Rules*, Part Twenty of *The Queen's Bench Rules* relating to discovery and inspection of documents does not contemplate an electronic discovery ("e-discovery") process. E-discovery refers to the preservation, retrieval, disclosure and production of documents from electronic sources and sometimes in electronic form.

2 Electronic documents differ from paper documents in a number of ways. Electronic documents now outnumber, are easier to duplicate and are more difficult to dispose of than paper documents. Electronic documents are attached to tracking information (meta-data) and may be updated automatically, unlike paper documents. In order to access an electronic document, a computer program (which may become obsolete) is required. While paper documents can be maintained in one filing cabinet or banker's box, electronic documents can reside in numerous locations such as desktop hard drives, laptops, servers, handheld digital devices and on storage media like CDs and backup tapes.

3 Parties in actions which involve e-discovery should consult and have regard to the document titled "The Sedona Canada Principles Addressing Electronic Discovery." The Sedona Canada Working Group, composed of lawyers, judges and technologists, spent sixteen months carefully studying issues relating to e-discovery in Canada and, from that careful study, developed and produced this comprehensive document which can be found at: http://www.lexum.org/e-discovery/SedonaCanadaPrinciples01-08.pdf.

4 In accordance with Queen's Bench Rule 5-7 the following Guidelines, which incorporate the Sedona Canada Principles, are intended to apply to the disclosure, discovery and inspection of electronic documents, except where they specifically conflict with *The Queen's Bench Rules of Court*. However, one concept that has emerged from the study of e-discovery in Canada to date is that traditional rules relating to relevance of documents cannot be uniformly applied to e-discovery. For this reason, the Guidelines incorporate a new standard for e-discovery disclosure which might be described as proportionate direct relevance.

5 The objective of the Guidelines is to guide lawyers, parties and the judiciary in the e-discovery process. It is intended that the Guidelines provide an appropriate framework to address *how* to conduct e-discovery, based on norms that the bench and bar can adopt and develop over time as a matter of practice. At this stage, mandating how e-discovery is conducted through the enactment of detailed rules could be counter-productive. In due course, as experience is gained in this area in Saskatchewan and in other jurisdictions in Canada, rules specific to e-discovery may be developed.

Chief Justice M.D. Popescul,
Court of Queen's Bench for Saskatchewan.

APPENDIX TO PRACTICE DIRECTIVE CIV-PD NO. 1 – GUIDELINES

Scope

Principle 1: In general, and subject to the following principles, electronic documents that are relevant to any matter in question in the action must be disclosed in accordance with Part 5 of *The Queen's Bench Rules*.

Commentary:

Electronic documents are included in the definition of "document" contained in Rule 17-1 of *The Queen's Bench Rules* and must therefore be disclosed in accordance with Part 5 of *The Queen's Bench Rules*.

Principle 2: The obligations of the parties with respect to discovery and inspection of electronic documents, including the cost associated with locating electronic documents, should be proportionate to the importance and complexity of the issues, and to the amount involved, in the action.

Commentary:

The concept of proportionality is a central tenet of both *The Queen's Bench Rules of Court* (Q.B Rule 1-3(4)) and The Sedona Canada Principles Addressing Electronic Discovery. The concept of proportionality has been introduced into the rules of procedure of most superior courts in Canada and has been described as a reaction to delays and costs impeding access to justice.

The application of this principle depends, in the first instance, on the parties who should confer about the concept of proportionality and attempt to agree upon its application to an action. If the parties are unable to agree, and a party can demonstrate that the likely probative value of a document is outweighed by the cost associated with locating the document, the party should not be obliged to locate the document at issue.

Principle 3: In most cases, the primary location in which to search for electronic documents should be the parties' active data and any other information that was stored in a manner that anticipated future business use, and that still permits efficient searching and retrieval.

Commentary:

The scope of searches required for relevant electronic documents must be reasonable. It is neither reasonable nor feasible to require that litigants immediately or always canvass all potential sources of electronic documents in the course of locating, preserving and producing them in the discovery process.

For most litigation, the relevant electronic documents will be those which are available to or viewed by computer users and those which are exchanged between parties in the ordinary course of business (active data). This principle also includes archival data (electronic documents organized and maintained for long-term storage and record keeping purposes) that is still readily accessible.

Principle 4: A party should not be required to search for, review or produce documents that are deleted or hidden, or residual data such as fragmented or overwritten files, absent agreement or an order based on demonstrated need and relevance. In certain actions, a party may satisfy its obligations relating to discovery and inspection of electronic documents by using electronic tools and processes, such as data sampling, searching, or the use of selection criteria, to identify the documents that are most likely to contain relevant data or information.

Commentary:

Only exceptional cases will turn on deleted or discarded electronic documents. As such, residual or replicant data need not be preserved or produced absent agreement or an order of the Court. In an action where deleted or residual electronic documents may be relevant, the parties should communicate this information to one another early in the process to avoid unnecessary preservation, inadvertent deletion and/or claims of spoliation.

Large computer systems contain vast amounts of information, much of which is likely to be irrelevant. In some actions, it may therefore be impractical or too expensive to review all of the information for relevance. In such circumstances, it is reasonable for parties to use targeted electronic techniques to search within electronic document sources, in collecting the materials that will be subject to detailed review for relevance. The objective should be to identify a subset or subsets of the available electronic documents for detailed review, that are most likely to be relevant.

The application of this principle depends, in the first instance, on the parties who should confer about and attempt to agree upon about the use of targeted electronic search techniques, including search criteria to be used to extract relevant electronic documents.

Preservation

Principle 5: As soon as litigation is contemplated or threatened, parties should immediately take reasonable and good faith steps to preserve relevant electronic documents.

- Parties should discuss the need to preserve meta-data as early as possible. A party should be entitled to assume that its meta-data is not relevant unless it knows that its meta-data is relevant

- Parties should discuss the need to preserve an electronic document in electronic form as early as possible. A party should be entitled to assume that it is sufficient for it to preserve a print copy of an electronic document unless it knows that the other party requires the preservation of a specific electronic document in electronic form.

Commentary:

The obligation to preserve relevant electronic documents applies to both parties as soon as litigation is contemplated or threatened, however, the obligation is not unlimited. The scope of what is to be preserved and the steps considered reasonable may vary widely depending upon the nature of the claims and documents at issue. A reasonable inquiry based on good faith to identify and preserve active and archival data should be sufficient.

"Meta-data" is electronic information that is recorded by the system about a particular document, concerning its format, and how, when, and by whom it was created, saved, accessed, or modified. Parties should confer about and attempt to agree upon the need to preserve meta-data as early as possible.

In most actions, meta-data will not be relevant. For this reason, a party should be entitled to assume that its meta-data is not relevant (and need not be preserved) unless it knows that its meta-data is relevant.

Parties should confer about and attempt to agree upon the need to preserve electronic documents in electronic form as early as possible.

In most actions, preservation of electronic documents in paper format or scanned format should be sufficient and preservation of electronic copies of actual files, other than through normal business practices, should not be required. For this reason, a party should be entitled to assume that it is sufficient for it to preserve a print or scanned copy of an electronic document unless it knows that the other party requires the preservation of a specific electronic document in electronic form.

Principle 6: Because of the nature of electronic documents, parties should consider whether third parties may be in possession of relevant electronic documents and may wish to consider placing any such third parties on notice with respect to preserving electronic documents as early in the process as possible, as electronic documents may be lost in the ordinary course of business.

Commentary:

Where a party anticipates that a specific electronic document does or may exist in the possession of a third party that is relevant to an action and that is liable to be deleted or modified in the ordinary course of business, the party may wish to consider notifying the third party of that fact and requesting that appropriate steps be taken to preserve the electronic document.

Production

Principle 7: Where an electronic document has been preserved in electronic form, it may be producible in electronic form where this would (i) provide more complete relevant information, (ii) facilitate access to the information in the document, by means of electronic techniques to review, search, or otherwise use the document in the litigation process, (iii) minimize the costs to the producing party, or (iv) preserve the integrity and security of the data.

Commentary:

As noted in the commentary following Principle 5 above, there is generally no requirement to preserve electronic documents in electronic form. Having said this, where an electronic document has been preserved in electronic form, it may also be producible in electronic form under the circumstances described in this principle. Parties should confer about and attempt to agree upon issues relating to production of electronic documents.

Costs

Principle 8: In general, the interim costs of preservation, retrieval, review, and production of electronic documents will be borne by the party producing them. The other party will be required to incur the interim cost of making a copy, for its own use, of the resulting productions. In special circumstances, it may be appropriate for the parties to agree and/or for the Court to order a different allocation of costs on an interim basis.

Commentary:

This principle accords with the existing practice followed in Saskatchewan in relation to the costs associated with the disclosure and production of documents. The special circumstances referred to in this principle could include situations where a party requests disclosure that involves extraordinary cost for the other party such as disclosure requiring forensic searches, disclosure requiring extensive backup restoration work or disclosure requiring the creation of subsets of data that do not exist in the normal business environment.

Confer

Principle 9: Parties should confer as soon as practicable and on an ongoing basis and, in any event, prior to examinations for discovery, regarding the location, preservation, review and production of electronic documents (including measures to protect privilege and confidentiality and other objections to production of electronic documents) and should seek to agree on the substance of each party's rights and obligations with respect to e-discovery, and on procedures required to give effect to those rights and obligations. Where parties are unable to agree on issues surrounding the use of technology for the preparation and management of civil litigation in the Court, they should be governed by the default standard specified in the Canadian Judicial Council's National Generic Protocol on the Use of Technology in Civil Litigation.

Commentary:

Conferring early is one of the keys to effective e-discovery for all parties. By identifying and attempting to resolve disputes about e-discovery issues at an early stage in an action, parties can avoid costly collateral litigation relating to these disputes.

In recognition of the central importance of this principle, the obligation to confer is referenced throughout the commentaries to the other principles set out above. Parties should confer and attempt to agree on all substantive and procedural issues relating to e-discovery, including but not limited to (i) the concept of proportionality and its application to an action, (ii) the relevance of and the need to preserve deleted or residual electronic documents and meta-data and the need to preserve and/or produce specific electronic documents in electronic form, (iii) the use of targeted electronic search techniques, (iv) issues relating to production of electronic documents including the format for document numbering and production, and (v) any proposed change to the normal allocation of costs.

Parties should confer and attempt to agree on issues surrounding the use of technology for the preparation and management of civil litigation in the Court. Where parties are unable to agree, they should be governed by the default standard specified in the Canadian Judicial Council's National Generic Protocol on the Use of Technology in Civil Litigation which can be found at: http://www.cjc-ccm.gc.ca/cmslibgeneralJTAC%20National%20Generic%20Proto(1).pdf, subject to amendments by order of the Court or by further agreement of the parties.

Any agreement reached should be reduced to writing for future reference when necessary.

Principle 10: Where parties are unable to agree on the substance of each party's rights and obligations with respect to e-discovery and on procedures required to give effect to those rights and obligations, either party may make an appearance day application to the court in accordance with Subdivision 3 of Part 6 of *The Queen's Bench* to address these issues.

Commentary:

The parties' obligation to confer on issues relating to e-discovery is a real obligation. Parties are expected to actually confer and to genuinely attempt to agree on substantive and procedural issues relating to e-discovery before completing a joint request for a post pleadings conference as described in this principle.

Default Protocol on the Use of Technology in Civil Litigation

The Guidelines are intended to apply to actions which involve e-discovery in Saskatchewan but do not address the use of electronic evidence. Parties should confer and attempt to agree on issues surrounding the use of technology for the preparation and management of civil litigation in the Court.

Where parties are unable to agree, they should be governed by the default standard specified in the Canadian Judicial Council's National Generic Protocol on the Use of Technology in Civil Litigation which can be found at: http://www.cjc-ccm.gc.ca/cmslib/general/ JTAC%20National%20Generic%20Proto(1).pdf, subject to amendments by order of the Court or by further agreement of the parties.

Chief Justice M.D. Popescul,
Court of Queen's Bench for Saskatchewan.

CIVIL PRACTICE DIRECTIVE NO. 2
BANKRUPTCY AND INSOLVENCY

Effective: July 1, 2013

REFERENCE: CIV-PD NO. 2

Former Reference: Practice Directive No. 16 issued September 1, 2003.

1 There will be a panel of judges dedicated to dealing with matters of bankruptcy, insolvency, receivership or proceedings under *The Companies Creditors Arrangement Act*.

2 To bring a petition or application before one of the judges on the panel, a party shall contact the Local Registrar to obtain a return date for the application. The Local Registrar will fix a date after consultation with the member of the panel selected by the Chief Justice.

3 If a petition or application is not initially brought before a member of the panel, a respondent may have the matter transferred to a member of the panel by filing a request for transfer with the Local Registrar within 24 hours of receiving notice of the petition or application. The request for transfer shall be served on all other parties to the proceeding before it is filed with the Local Registrar. Upon receiving the request for transfer, the Local Registrar will fix a date after consultation with the member of the panel selected by the Chief Justice.

Chief Justice M.D. Popescul,
Court of Queen's Bench for Saskatchewan.

CIVIL PRACTICE DIRECTIVE NO. 3
MANAGEMENT OF MULTI-JURISDICTIONAL CLASS ACTIONS

Effective: July 1, 2013

REFERENCE: CIV-PD NO. 3

Former reference: Notice to the Profession issued December 5, 2011.

1 The Canadian Judicial Protocol for the Management of Multi-Jurisdictional Class Actions approved by the Canadian Judicial Council and attached as Appendix A to this Practice Directive shall apply to multi-jurisdictional class actions in the Court of Queen's Bench for Saskatchewan, subject to any order of the Court to the contrary.

Chief Justice M.D. Popescul,
Court of Queen's Bench for Saskatchewan.

APPENDIX A – CIVIL PRACTICE DIRECTIVE NO. 3

Resolution 11-03-A – Annex 1

Canadian Judicial Protocol for the Management of Multi Jurisdictional Class Actions

Preamble

The purpose of this protocol is to make use of existing class action legislation, the Rules of Court and Rules of Civil Procedure in various provincial jurisdictions to facilitate the management of multi-jurisdictional class actions.

Each provincial class action statute permits a court to make orders it considers appropriate for the fair and expeditious conduct of the action. Most of these statutes permit the court to make such orders on its own initiative or on the motion of a party or a class member. The relevant statutory provisions are found in Schedule A to this protocol.

The protocol provides for the creation of a Notification List of all Counsel involved in class actions concerning the same or similar subject matter, and the approval and administration of settlements through Multijurisdictional Class Settlement Approval Orders.

The Notification List is intended to allow Counsel in the various actions to be given notice of developments in all the actions.

A Multijurisdictional Class Settlement Approval Order is intended to facilitate the coordination of settlement approval hearings where a joint settlement is proposed for class actions.

Resolution11•03•A-Annoxe1

Protocole judiciaire canadien de gestion de recours collectifs multijuridictionnels

Préambule

Ce protocole a pour but de tirer parti des règles de pratique, des règles de procédure civile et des lois sur les recours collectifs existant déjà dans diverses provinces pour faciliter la gestion des recours collectifs multijuridictionnels.

Chaque loi provinciale sur les recours collectifs permet à un tribunal de rendre les ordonnances qu'il juge indiquées afin que le recours soit géré de façon équitable et efficace. La plupart de ces lois prévoient que le tribunal peut rendre une telle ordonnance de sa propre initiative au à la demande d'une partie ou d'un membre d'un groupe. Les dispositions pertinentes se trouvent à l'annexe A du présent protocole.

Le protocole prévoit la création d'une liste de tous les avocats impliqués dans des recours collectifs portant sur le même objet ou sur des objets semblables; il prévoit aussi l'approbation et l'administration des règlements par le truchement d'ordonnances d'approbation de règlement multijuridictionnelles.

La liste des avocats impliqués est destinée à permettre aux avocats des divers recours d'être informés des faits nouveaux dans tous les recours.

Une ordonnance d'approbation de règlement multijuridictionnelle vise à faciliter la coordination des audiences d'approbation de règlement lorsqu'un règlement commun est proposé pour les recours collectifs multijuridictionnels.

Definitions

1 In this Protocol:

(a) **"Action"** means a putative, certified or authorized class action In which the subject matter is the same as the subject matter of a putative, certified, authorized class action in two or more provinces.

(b) **"Court"** means a court in a jurisdiction in which an Action is filed.

(c) **"Counsel"** includes parties that are self-represented.

Application

2 Where a court intends to apply this Protocol (in whole or in part), counsel shall be given notice and an opportunity to be heard on the sections of this Protocol to be employed. Where this Protocol is adopted in whole or in part following such a hearing, an order shall issue to that effect.

Notice Obligations

3 All parties to an Action shall advise the Court of any other Action of which they are aware.

4 Plaintiff Counsel shall post the pleadings in their Action on the Canadian Bar Association Class Action Database at http://www.cba.org/CBA.

5 A Notification List shall be created by counsel listing the names of all Counsel, with appropriate contact information, in all Actions and this list shall be provided to the Court.

6 All motions made by a party shall be on notice to the Notification List.

Definitions

1 Dans le présent protocole:

a) **«recours»** s'entend d'un recours collectif éventuel au autorisé ou certifié ayant le même objet qu'un recours collectif éventuel ou autorisé au certifié qui a été introduit dans d'autres provinces;

b) **«tribunal»** s'entend d'un tribunal dans une province oil un recours est intent ;

c) **«avocats»** englobe les parties se représentant elles-mêmes.

Application

2 Lorsqu'un tribunal entend appliquer le présent protocole (en tout ou en partie), les avocats en seront informés et auront Ia possibilité s'exprimer au sujet des dispositions du protocole qui seront utilisées. Lorsque le présent protocole est adopté en tout ou en partie à la suite d'une telle audience, une ordonnance sera rendue en ce sens.

Obligations d'information

3 Toutes les parties à un recours informeront le tribunal de tout autre recours dont elles ont connaissance.

4 L'avocat des demandeurs inscrira les actes de procédure de leur recours dans la Base de données canadienne sur les recours collectifs de l'Association du Barreau canadien, à www.cba.org/recourscollectifs.

5 L'avocat dressera une liste des avocats impliqués indiquant les noms et les coordonnées de tous les avocats dans tous les recours, et remettra cette lisle au tribunal.

6 Toutes les requêtes présentées par une partie feront l'objet d'un avis diffusé aux personnes figurant sur la liste des avocats impliqués.

Settlement Approval

7 Where there is a joint settlement of the Actions, the parties shall proceed by way of a motion for Multijurisdictional Class Settlement Approval served on all parties and filed in all Courts.

8 A motion for Multijurisdictional Class Settlement Approval shall include a proposed notice to class members suitable for use in all jurisdictions. The notice should include the following information, subject to the applicable legislation:

(a) a summary of the case and an explanation of how to obtain a copy of the originating process (e.g., statement of claim or motion for authorization):

(b) a definition of the class and any sub-classes;

(c) a list of the class actions which are subject of the Motion for Multijurisdictional Class Settlement Approval, and a list of any other Actions of which counsel or any party is aware;

(d) information on the essential terms of the proposed settlement, including:

(i) the nature and amount of relief;

(ii) the nature and bases of any non-monetary benefits;

(iii) the procedures for allocating and distributing settlement funds;

(iv) the method for filing a proof of claim;

(v) the locations where class members can obtain a copy of or examine the settlement agreement and other relevant materials;

Approbation de reglement

7 Lorsqu'il y a règlement commun des recours, les parties présenteront une demande d'approbation de règlement multijuridictionnelle signifiée à toutes les parties et déposée auprès de taus les tribunaux.

8 Une demande d'approbation règlement multijuridictionnelle comprendra un projet d'avis aux membres du groupe pouvant être utilisé dans toutes les provinces. L'avis devrait comprendre les éléments suivants, sous réserve des dispositions léglsiatives applicables :

a) un résume de l'affaire et une explication de la façon d'obtenir copie de l'acte de procédure introductif d'instance [p. ex., déclaration ou requête en autorisation):

b) une définition du groupe et de tout sous groupe;

c) une liste des recours collectifs qui sont visés par la demande d'approbation de règlement multijuridictionnelle ainsi que, le cas échéant, une liste des autres recours connexes en instance dont l'avocat ou toute autre partie a connaissance;

d) des précisions sur les modailtés essentielles du règlement proposé, y compris:

(i) la nature et le montant de la réparation;

(ii) la nature et le fondement de toute réparation non monétaire;

(iii) les modalités d'affectation et de versement des fonds du règlement;

(iv) les modalités de présentation d'une preuve de réclamation;

(vi) information, if practical, that may enable class members to calculate or estimate their individual recoveries;

(e) the options open to class members and the implications of each option (including, if applicable, opting out, participating, objecting, submitting a claim or doing nothing), along with the deadlines for taking any action;

(f) a summary of the maximum amounts sought by class counsel for fees, including disbursements, reimbursement of expenses and applicable taxes;

(g) the time and place of the hearing to consider approval of the settlement and the methods by which class members may object to the settlement, or the fees sought by class counsel;

(h) the method for objecting to (or, if permitted, for opting out of) the settlement, including a statement that the class members have the right to object to the settlement, and/or application for fees and/or the distribution of any remaining balance of funds;

(i) a statement that the settlement will bind all class members who have opted out (if it is an opt-out class action); and

(j) the address and phone number of class counsel and the appointed Claims Administrator and an explanation of how to make inquiries of either.

(v) les lieux où les membres du groupe peuvent obtenir copie de l'entente de règlement et tout autre document pertinent ou les examiner;

(vi) des indications, si possible, qui permettraient aux membres du estimate their groupe de calculer ou d'estimer leurs indemnisations individuelles;

e) les options s'offrant aux membres du groupe ainsi que les implications de chaque option (y compris, selon le cas, le retrait, la participation, l'opposition, la présentation d'une réclamation ou l'inaction) et les dates limites pertinentes;

f) un résumé des montants maximaux demandés par les avocats du groupe au titre d'honoraires, y compris les débours, le remboursement des frais et les taxes applicables;

g) le moment et le lieu de l'audience sur l'approbation du règlement et les modalités selon lesquelles des membres du groupe peuvent s'y opposer au règlement au aux honoraires demandés par l'avocat du groupe;

h) les autres modalités d'opposition au règlement (ou, le cas échéant, de retrait), y compris un énoncé indiquant que les membres du groupe ont le droit de s'opposer au règlement, à la demande d'honoraires ou à la distribution de tout solde des fonds;

i) un énoncé indiquant que le règlement liera taus les membres du groupe sauf ceux qui ont choisl de ne pas participer (s'il s'agit d'un recours collectif avec option de retrait);

j) l'adresse et le numero de téléphone de l'avocat du groupe et de l'administrateur des reclamations désigné, ainsi qu'une explication de la façon d'adresser des questions à un ou lautre.

9 Once all materials relating to a motion for Multijurisdictional Class Settlement Approval have been filed in all jurisdictions where Multijurisdictional Class Settlement Approval is sought, the Courts may communicate for the purpose of determining:

(a) the scheduling of approval hearings, including any fairness hearings;

(b) whether the Courts agree that a uniform Multijurisdictional Class Settlement Approval Order should be issued or if different orders are required to comply with provincial legislation;

(c) the content of a Multijurisdictional Class Settlement Approval Order(s);

(d) the manner in which the Multijurisdictional Class Settlement Approval Order(s) is to be administered;

(e) the manner and form in which notice to class members will be provided: or

(f) any other issue relevant to the Motion for Multijurisdictional Class Settlement Approval.

10 Where it is determined by all courts that the Settlement Approval hearing or the fairness hearing will be held jointly, such hearings shall be conducted in a manner that will permit all parties and all judges to participate in the hearings. This may be done by video link or other means.

11 A Multijurisdictional Class Settlement Approval Order may be issued in any form and in any manner which, in the opinion all Courts, is just and expeditious. If necessary, each Court may issue a separate Order to reflect the applicable legislation in a given province.

9 Une fois que tous les documents ayant trait à une demande d'approbation de règlement multijuridictionnelle ont été déposés dans toutes les provinces ou l'approbation est demandée, les tribunaux peuvent communiquer en vue de determiner:

a) les dates des audiences sur l'approbation, y compris toute audience en matière d'équité;

b) la mesure dans laquelle les tribunaux s'entendent pour qu'une ordonnance d'approbation de règlement multijuridictionnelle uniforme soit rendue ou si des ordonnances différentes sont nécessaires pour satisfaire à la loi provinciale;

c) la teneur de toute ordonnance d'approbation de règlement multijuridictionnelle;

d) la façon dont la ou les ordonnances d'approbation de règlement multijuridictionnelles dolvent être administrée:

e) la façon dont un avis sera communiqué aux membres du groupe et la forme de cet avis;

f) toute autre question pertinente à la demande d'ordonnance d'approbation de règlement multijuridictionnelle.

10 Si tous les tribunaux s'entendent pour que l'audience sur l'approbation du règlement ou l'audience en matière d'équité soit organisée conjointement, l'audience sera menée de sorte que toutes les parties et tous les juges puissent y participer. La participation peut se faire par vidéoconférence ou par d'autres moyens.

11 Une ordonnance d'approbation de règlement multijuridictionnelle peut être rendue sous la forme et de la façon qui sont, de l'avis de tous les tribunaux, justes et expéditives. Au besoin, chaque tribunal peut rendre une ordonnance distincte pour tenir compte de la loi applicable dans une province donnée.

12 Notice of the Settlement Approval Order(s) should contain the information provided in paragraph 8, subject to the applicable legislation.

13 A Multijurisdictional Class Settlement Approval Order may designate a Judge of any Court as Designated Settlement Administration Judge.

14 A Designated Settlement Administration Judge may, if the Order so provides, determine any dispute arising from the Settlement Agreement, regardless of the jurisdiction in which that dispute arises, and may make such orders as are just and expedient for the orderly administration of the Settlement Agreement. However, each Court will retain jurisdiction to deal with issues arising from their respective Orders.

Schedule A to the Judicial Protocol

Statutory Provisions Permitting the Court to Determine the Conduct of Class Actions

Alberta

The Court may at any time make any order it considers appropriate respecting the conduct of a class proceeding to ensure the fair and expeditious determination of the proceeding and, for that purpose, may impose on one or more of the parties any terms or conditions that the Court considers appropriate.

Class Proceedings Act, S.A. 2003, c.C-16.5, s.13(1)

12 L'avis concernant toute entente d'approbation de règlement devrait cantenir l'information prévue au paragraphe 8 sous réserve des dispositions législatives applicables.

13 Une ordonnance d'approbation de règlement multijuridictionnelle peut désigner un juge d'un des tribunaux saisi comme juge responsable de l'administration du règlement.

14 Si l'ordonnance le prévolt, le juge désigné comme responsable de l'administration du règlement peut régler tout différend au sujet de l'entente de règlement, peu importe dans quelle province il survient. Il peut aussi rendre les ordonnances justes et expéditives nécessaires à la bonne administration de l'entente de règlement Cependant chaque tribunal reste compêtent face aux questions découlant de leurs ordonnances respectives.

Annexe A du présent protocole judicaire

Dispositions léigislatives permettant au tribunal de déterminer le déroulement d'un recours collectif

Alberta

[TRADUCTION] Le tribunal peut en tout temps rendre l'ordonnance qu'il estime indiquée concernant le déroulement d'un recours collectif afin de parvenir à une décision juste et rapide; à cette fin, il peut imposer à une ou à plusieurs parties les conditions qu'il estime indiquées.

Class Proceedings Act, S.A. 2003, c.C-16.5, para.13(1)

British Columbia

The court may at any time make any order it considers appropriate respecting the conduct of a class proceeding to ensure its fair and expeditious determination and, for that purpose, may impose on one or more of the parties the terms it considers appropriate.

Class Proceedings Act, R.S.B.C. 1996, c.50, s.12

Manitoba

The court may at any time make any order that it considers appropriate respecting the conduct of a class proceeding to ensure its fair and expeditious determination and, for that purpose, may impose on one or more of the parties the terms it considers appropriate.

Class Proceedings Act, C.C.S.M. c.C130 s.12

New Brunswick

The court may at any time make any order it considers appropriate respecting the conduct of a class proceeding to ensure its fair and expeditious determination and, for that purpose, may impose on one or more of the parties the terms or conditions the court considers appropriate.

Class Proceedings Act, S.N.B. 2006, c.C-5.15, s.14

Newfoundland and Labrador

Notwithstanding section 12, the court may make an order it considers appropriate respecting the conduct of a class action to ensure a fair and expeditious determination and, for that purpose, may impose on one or more of the parties the terms it considers appropriate.

Class Actions Act, S.N.L. 2001, c.C-18.1, s.13

Colomble-Brttannique

[TRADUCTION] Le tribunal peut en tout temps rendre I'ordonnance qu'il estime indiquée concernant le déroulement d'un recours collectif afin de parvenir à une décision juste et rapide; à cette fin, il peut imposer à une ou à plusieurs parties les conditions qu'il estime indiquées.

Class Proceedings Act, R.S.B.C. 1996, c.50, art.12

Manitoba

Le tribunal peut en tout temps rendre toute ordonnance qu'il estime indiquée concernant le déroulement du recours collectif afin de parvenir à une décision juste et rapide; à cette fin, il peut imposer à une ou à plusieurs parties les conditions qu'il estime indiquées.

Loi sur les recours collectifs, CPLM ch.C130, art.12

Nouveau-Brunswick

La cour peut en tout temps rendre une ordonnance qu'elle estime appropriée concernant le déroulement du recours collectif afin de parvenir à une décision juste et rapide et, à cette fin, elle peut imposer à une ou à plusieurs parties les modalités ou conditions qu'elle estime appropriées.

Loi sur les recours collectifs, L.N- B. 2006, ch.C-5.15, art. 14

Terre-Neuve-et-Labrador

[TRADUCTION) Nonobstant l'article 12, le tribunal peut rendre l'ordonnance qu'il estime indiquée concernant le déroulement d'un recours collectif afin de parvenir à une décision juste et rapide; à cette fin, il peut imposer à une au plusieurs parties les conditions qu'il estime indiquées.

Class Actions Act, S.N.L. 2001, c.C-18.1, art. 13

Nova Scotia

The court may at any time make any order it considers appropriate respecting the conduct of a class proceeding to ensure its fair and expeditious determination and, for that purpose, may impose on one or more of the parties the terms or conditions the court considers appropriate.

Class Proceedings Act, S.N.S. 2007, c.28, s.15

Ontario

The court, on the motion of a party or class member, may make any order it considers appropriate respecting the conduct of a class proceeding to ensure its fair and expeditious determination and, for the purpose, may impose such terms on the parties as it considers appropriate.

Class Proceedings Act, 1992, S.O. 1992, c.6, s.12

Quebec

The court may, at any stage of the proceedings in a class action, prescribe measures designed to hasten their progress and to simplify the proof, if they do not prejudice a party or the members; it may also order the publication of a notice to the members when it considers it necessary for the preservation of their rights.

Code of Civil Procedure, R.S.Q. c.C-25, s.1045

Saskatchewan

The court may, at any time, make any order it considers appropriate respecting the conduct of a class action to ensure a fair and expeditious determination and, for that purpose, may impose on one or more of the parties any terms it considers appropriate.

Class Actions Act, S.S. 2001, c.C-12.01, s.14.

Nouvelle-Ecosse

(TRADUCTION] Le tribunal peut en tout temps rendre l'ordonnance qu'il estime indiquée concernant le déroulement d'un recours collectif afin de parvenir à une décision juste et rapide; à cette fin, il peut imposer à une ou à plusieurs parties les conditions qu'il estime indiquées.

Class Proceedings Act, S.N.S. 2007, c. 28, art. 15

Ontario

Le tribunal saisi d'une motion d'une partie ou d'un membre du groupe peut, afin de parvenir à un règlement juste et expéditif du recours collectif, rendre une ordonnance qu'il estime appropriée concernant le déroulement de celui-ci et imposer aux parties des conditions qu'il estime appropriées.

Lot de 1992 sur les recours collectffs, LO 1992, ch. 6, art. 12

Quebec

Le tribunal peut, en tout temps au cours de la procédure relative à un recours collectif, prescrire des mesures susceptibles d'accélérer son déroulement et de simplifier la preuve si elles ne portent pas préjudice à une partie ou aux membres; il peut également ordonner la publication d'un avis aux membres lorsqu'il l'estime nécessaire pour la préservation de leurs droits.

Code de procedure civile, LRQ ch. C-25, art. 1045

Saskatchewan

[TRADUCTION] Le tribunal peut en tout temps rendre l'ordonnance qu'il estime indiquée concernant le déroulement d'un recours collectif afin de parvenir à une décision juste et rapide; à cette fin, il peut imposer à une ou à plusieurs parties les conditions qu'il estime indiquées.

Class Actions Act, S.S. 2001, c. C-12.01, art.14

CIVIL PRACTICE DIRECTIVE NO. 4
TEMPLATE ORDERS FOR USE IN BANKRUPTCY DISCHARGE APPLICATIONS

Effective: April 1, 2017

REFERENCE: CV-PD NO. 4

Bankruptcy trustees and counsel shall use the template orders attached hereto in all proceedings where the following bankruptcy discharge orders are sought:

1. Order for Absolute Discharge;
2. Order Refusing Discharge;
3. Order of Conditional Discharge;
4. Order for Absolute Discharge (Conditions Met);
5. Order of Suspended Discharge; and
6. Order Adjourning Application for Discharge Indefinitely.

Any addition, deletion or variation to a template order filed with the Court must be underlined or highlighted in bold letters and brought to the attention of the presiding judge or registrar.

Chief Justice M.D. Popescul,
Court of Queen's Bench for Saskatchewan.

COURT FILE _____
ESTATE NO. _____
COURT OF QUEEN'S BENCH FOR SASKATCHEWAN IN BANKRUPTCY
IN THE MATTER OF THE BANKRUPTCY OF _____

ORDER FOR ABSOLUTE DISCHARGE

Order made this _____ day of _____, 2 _____ .

Before Registrar _____ in chambers, the _____ day of _____ , 2 _____.

On the application of _____ *(bankrupt, trustee or creditor; or, lawyer on behalf of bankrupt, trustee or creditor, as the case may be)* and on hearing _____ *(bankrupt, trustee or creditor; or, lawyer on behalf of bankrupt, trustee or creditor, as the case may be)* and on reading the report of the trustee as to the bankrupt's conduct and affairs *(and the report of the superintendent, if any, and material filed in support of the application)*, all filed;

And whereas no facts mentioned in section 173 of the *Bankruptcy and Insolvency Act*, RSC 1985, c B-3, have been established;

And whereas it has not been established that the bankrupt has been guilty of any misconduct in relation to the bankrupt's property or affairs;

It is ordered that the bankrupt is discharged from bankruptcy.

ISSUED at _____, Saskatchewan, this _____ day of _____, 2 _____ .

Court Seal

_____
Registrar in Bankruptcy

If an order is issued pursuant to an application without notice, the endorsement required by subrule 10-3(5) (of The Queen's Bench Rules) must appear here.

NOTICE

(To be used if the order is issued pursuant to an application without notice.)

Take notice that, unless the order is consented to by a person affected by the order or unless otherwise authorized by law, every order made without notice to a person affected by the order may be set aside or varied on application to the Court. You should consult your lawyer as to your rights.

COURT FILE _____
ESTATE NO. _____
COURT OF QUEEN'S BENCH FOR SASKATCHEWAN IN BANKRUPTCY
N THE MATTER OF THE BANKRUPTCY OF _____

ORDER REFUSING DISCHARGE

Order made this _____ day of _____, 2 _____ .

Before Registrar _____ in chambers, the _____ day of _____ , 2 _____.

On the application of _____ *(bankrupt, trustee or creditor; or, lawyer on behalf of bankrupt, trustee or creditor, as the case may be)* and on hearing _____ *(bankrupt, trustee or creditor; or, lawyer on behalf of bankrupt, trustee or creditor, as the case may be)* and on reading the report of the trustee as to the bankrupt's conduct and affairs *(and the report of the superintendent, if any, and material filed in support of the application)*, all filed;

And whereas the following fact(s) under section 173 of the *Bankruptcy and Insolvency Act*, RSC 1985, c B-3, have been established:
(insert applicable description of section 173 fact);

And whereas it has been established that the bankrupt has conducted himself/herself in the following ways:
(describe bankrupt's conduct, if applicable)

It is ordered that the application for the bankrupt's discharge is refused.

ISSUED at _____, Saskatchewan, this _____ day of _____, 2 _____ .

Court Seal

_____
Registrar in Bankruptcy

If an order is issued pursuant to an application without notice, the endorsement required by subrule 10-3(5) (of The Queen's Bench Rules) must appear here.

NOTICE

(To be used if the order is issued pursuant to an application without notice.)

Take notice that, unless the order is consented to by a person affected by the order or unless otherwise authorized by law, every order made without notice to a person affected by the order may be set aside or varied on application to the Court. You should consult your lawyer as to your rights.

COURT FILE _____
ESTATE NO. _____
COURT OF QUEEN'S BENCH FOR SASKATCHEWAN IN BANKRUPTCY
IN THE MATTER OF THE BANKRUPTCY OF _____

ORDER OF CONDITIONAL DISCHARGE

Order made this _____ day of _____, 2 _____ .

Before Registrar _____ in chambers, the _____ day of _____ , 2 _____.

On the application of _____ *(bankrupt, trustee or creditor; or, lawyer on behalf of bankrupt, trustee or creditor, as the case may be)* and on hearing _____ *(bankrupt, trustee or creditor; or, lawyer on behalf of bankrupt, trustee or creditor, as the case may be)* and on reading the report of the trustee as to the bankrupt's conduct and affairs *(and the report of the superintendent, if any, and material filed in support of the application)*, all filed;

And whereas the following fact(s) under section 173 of the *Bankruptcy and Insolvency Act*, RSC 1985, c B-3, have been established:
(insert applicable description of section 173 fact);

And whereas it has been established that the bankrupt has conducted himself/herself in the following ways:
(describe bankrupt's conduct, if applicable)

It is ordered that:

1. The bankrupt pays the sum of $_____, to the trustee, by making minimum monthly payments of $_____, starting on _____ and continuing on the _____ day of every month that follows until fully paid;
2. Second condition *(if applicable)*;
3. The bankrupt shall have a right of prepayment *(if applicable)*; and
4. The bankrupt's discharge shall be suspended until _____ *(if applicable)*.

It is further ordered, that when the bankrupt has completed the term of the suspension and has fulfilled the foregoing conditions, the trustee may apply for an order for absolute discharge.

ISSUED at _____, Saskatchewan, this _____ day of _____, 2 _____ .

Court Seal

_____
Registrar in Bankruptcy

If an order is issued pursuant to an application without notice, the endorsement required by subrule 10-3(5) (of The Queen's Bench Rules) must appear here.

NOTICE

(To be used if the order is issued pursuant to an application without notice.)

Take notice that, unless the order is consented to by a person affected by the order or unless otherwise authorized by law, every order made without notice to a person affected by the order may be set aside or varied on application to the Court. You should consult your lawyer as to your rights.

COURT FILE _____
ESTATE NO. _____
COURT OF QUEEN'S BENCH FOR SASKATCHEWAN IN BANKRUPTCY
IN THE MATTER OF THE BANKRUPTCY OF _____

ORDER FOR ABSOLUTE DISCHARGE (CONDITIONS MET)

Order made this _____ day of _____, 2 _____ .

Before Registrar _____ in chambers, the _____ day of _____ , 2 _____.

On the application of _____ *(bankrupt, trustee or creditor; or, lawyer on behalf of bankrupt, trustee or creditor, as the case may be)* and on hearing _____ *(bankrupt, trustee or creditor; or, lawyer on behalf of bankrupt, trustee or creditor, as the case may be)* and on reading the report of the trustee as to the bankrupt's conduct and affairs *(and the report of the superintendent, if any)*

And whereas the Registrar is satisfied the bankrupt has complied with the conditions set in the order of conditional discharge dated _____, 2_____;

It is ordered that the bankrupt is discharged from bankruptcy.

ISSUED at _____, Saskatchewan, this _____ day of _____, 2 _____ .

Court Seal

_____
Registrar in Bankruptcy

If an order is issued pursuant to an application without notice, the endorsement required by subrule 10-3(5) (of The Queen's Bench Rules) must appear here.

NOTICE

(To be used if the order is issued pursuant to an application without notice.)

Take notice that, unless the order is consented to by a person affected by the order or unless otherwise authorized by law, every order made without notice to a person affected by the order may be set aside or varied on application to the Court. You should consult your lawyer as to your rights.

COURT FILE _____
ESTATE NO. _____
COURT OF QUEEN'S BENCH FOR SASKATCHEWAN IN BANKRUPTCY
IN THE MATTER OF THE BANKRUPTCY OF _____

ORDER OF SUSPENDED DISCHARGE

Order made this _____ day of _____, 2 _____ .

Before Registrar _____ in chambers, the _____ day of _____ , 2 _____.

On the application of _____ *(bankrupt, trustee or creditor; or, lawyer on behalf of bankrupt, trustee or creditor, as the case may be)* and on hearing _____ *(bankrupt, trustee or creditor; or, lawyer on behalf of bankrupt, trustee or creditor, as the case may be)* and on reading the report of the trustee as to the bankrupt's conduct and affairs *(and the report of the superintendent, if any);*

And whereas the following fact(s) under section 173 of the *Bankruptcy and Insolvency Act*, RSC 1985, c B-3, have been established:
(insert applicable description of section 173 fact)

And whereas it has been established that the bankrupt has conducted himself/herself in the following ways:
(describe bankrupt's conduct, if applicable)

It is ordered that the bankrupt's discharge shall be suspended until _____, 2_____.

Court Seal

_____
Registrar in Bankruptcy

If an order is issued pursuant to an application without notice, the endorsement required by subrule 10-3(5) (of The Queen's Bench Rules) must appear here.

NOTICE

(To be used if the order is issued pursuant to an application without notice.)

Take notice that, unless the order is consented to by a person affected by the order or unless otherwise authorized by law, every order made without notice to a person affected by the order may be set aside or varied on application to the Court. You should consult your lawyer as to your rights.

COURT FILE _____
ESTATE NO. _____
COURT OF QUEEN'S BENCH FOR SASKATCHEWAN IN BANKRUPTCY
IN THE MATTER OF THE BANKRUPTCY OF _____

ORDER ADJOURNING APPLICATION FOR DISCHARGE INDEFINITELY

Order made this _____ day of _____, 2 _____ .

Before Registrar _____ in chambers, the _____ day of _____ , 2 _____.

On the application of _____ *(bankrupt, trustee or creditor; or, lawyer on behalf of bankrupt, trustee or creditor, as the case may be)* and on hearing _____ *(bankrupt, trustee or creditor; or, lawyer on behalf of bankrupt, trustee or creditor, as the case may be)* and on reading the report of the trustee as to the bankrupt's conduct and affairs *(and the report of the superintendent, if any, and material filed in support of the application)*, all filed;

And whereas the following fact(s) under section 173 of the *Bankruptcy and Insolvency Act,* RSC 1985, c B-3, have been established:

(insert applicable description of section 173 fact)

And whereas it has been established that the bankrupt has conducted himself/herself in the following ways:

(describe bankrupt's conduct, if applicable)

It is ordered that the application for the bankrupt's discharge is adjourned indefinitely, to be brought back before the court on 30 days' notice to the trustee and the Office of the Superintendent of Bankruptcy and any objecting creditor.

ISSUED at _____, Saskatchewan, this _____ day of _____, 2 _____ .

Court Seal

_____
Registrar in Bankruptcy

If an order is issued pursuant to an application without notice, the endorsement required by subrule 10-3(5) (of The Queen's Bench Rules) must appear here.

NOTICE

(To be used if the order is issued pursuant to an application without notice.)

Take notice that, unless the order is consented to by a person affected by the order or unless otherwise authorized by law, every order made without notice to a person affected by the order may be set aside or varied on application to the Court. You should consult your lawyer as to your rights.

CIVIL PRACTICE DIRECTIVE NO. 5
APPLICATIONS UNDER *THE SASKATCHEWAN HUMAN RIGHTS CODE*

Effective: September 1, 2017

REFERENCE: CV-PD NO. 5

1 This practice directive sets out the procedures to be applied when the Court receives an application from the Chief Commissioner [Commissioner] of the Saskatchewan Human Rights Commission [Commission] for a hearing of a human rights complaint pursuant to section 29.6 of *The Saskatchewan Human Rights Code* [*Code*].

2 To apply to the Court for a hearing pursuant to section 29.6 of the *Code*, the Commissioner shall:

(a) complete the attached application form. The form will:

(i) indicate in paragraph 2.2, whether any of the issues contained in the formal complaint have since been resolved;

(ii) identify in paragraph 3, what the Commissioner understands the respondent(s)' defence(s) to be; and

(iii) include contact information for the complainant and respondent(s) that includes a mailing address and telephone number(s).

(b) personally serve the respondent(s) with a copy of the completed application. The respondent(s) include all parties to the action other than the Commission and the complainant.

(c) file with the Court, at the judicial centre nearest to the place where the subject matter of the complaint arose, the following:

(i) completed application form;

(ii) proof of personal service of the application upon each respondent(s);

(iii) a copy of relevant documents from the Commission's file in a sealed envelope [Commission's sealed documents];

(iv) draft Notice to Appear for a Pre-Hearing Conference; and

(v) Local Registrar's fees.

Pre-Hearing Conference

3 Except where this practice directive provides otherwise, *The Queen's Bench Rules* respecting the conduct and confidentiality of pre-trial conferences apply to the pre-hearing conference referred to in section 29.5 of the Code and in this practice directive.

Chief Justice to Determine if Pre-Hearing Conference to be held

4 Upon receipt of the application and related documents from the Commissioner, the Local Registrar shall transmit a copy of the application to the Chief Justice or his/her designate to determine whether a re-hearing conference should be scheduled, and if so, to designate a Judge to conduct the pre-hearing conference.

Scheduling Pre-Hearing Conference

5 Should the Chief Justice designate a Judge to conduct a pre-hearing conference, the Local Registrar will immediately contact the designated Judge to obtain dates when the Judge would be available for the re-hearing conference. The Local Registrar will then promptly contact the parties by telephone or otherwise as the Local Registrar may determine, to ascertain their availability for the dates the Judge has available.

6 Once a date has been selected, the Local Registrar will complete the attached Notice to Appear for a re-Hearing Conference form and mail a copy of the Notice to Appear by ordinary mail to the Commission, the complainant and respondent(s) (or their counsel) at least 30 days before the date selected for the conference, unless each party consents to a shorter notice period.

7 If for any reason a party requests an adjournment from the conference date prior to the day of the conference, the assigned conference Judge shall be consulted, and a telephone conference call shall be convened with the parties for a ruling on the request, and if appropriate, the setting of a new conference date.

8 If the Judge designated to conduct the pre-hearing conference is not available to conduct the conference on the dates the parties are available within 90 days from the date of the request for a hearing, the designated Judge shall consult the Chief Justice as to whether another Judge should be designated.

Disclosure and Confidentiality of Commissioner's file

9 Upon receipt of the Notice to Appear for a Pre-Hearing Conference, the Commissioner shall disclose to the complainant and respondent(s) the contents of the Commission's sealed documents filed with the Court.

10 The Commission's sealed documents are filed with the Court for the sole purpose of determining whether to conduct a pre-hearing conference and for use at the pre-hearing conference.

11 Should the Chief Justice determine that a pre-hearing conference is to be held, the Chief Justice will direct that the Commission's sealed documents be re-sealed and remain on the file for use by the pre-trial Judge. If no pre-hearing conference is to be held the Commission's sealed documents will be re-sealed and returned to the Commission.

12 At the conclusion of the pre-hearing conference, the Local Registrar shall re-seal the Commission's sealed documents and return them to the Commissioner.

Pre-Hearing Conference

13 The Chief Justice or the Judge designated to conduct the pre-hearing conference, may direct the Commissioner or any of the parties to file additional information or briefs of law, for use at the pre-hearing conference.

14 The goals of a pre-hearing conference are equivalent to a pre-trial conference under Rule 4-12(3), as follows:

(a) to allow the parties to participate in the problem-solving process;

(b) to allow the parties to receive the view of a Judge as to the issues, both facts and law, in dispute, as far as the material before the pre-hearing Judge allows;

(c) to allow settlement options to be presented that would not necessarily be available at hearing;

(d) to seek settlement of the dispute so as to improve the efficiency of the court system and to save time and costs for all parties and witnesses.

15 The Judge designated to conduct the pre-hearing conference shall attempt to settle the complaint. If settlement of the complaint is not possible, the Judge shall address the issues set out under Rule 4-12(4) in readying the complaint for hearing, as follows:

(a) the identification and simplification of the issues;

(b) the possibility of obtaining admissions that will facilitate the hearing;

(c) whether all steps have been taken in preparation for the hearing;

(d) the possibility of settlement of specific issues;

(e) the remedy, including quantum of damages;

(f) any other matters that may aid in the disposition of the complaint;

(g) the time required for hearing; and

(h) the date of the hearing.

16 The Judge conducting the pre-hearing conference should use the civil pre-trial form to report on the management matters covered in the conference, and any agreements reached. In the event the matter settles at the pre-hearing conference, the fact of the settlement can be noted on the flyleaf of the file as is done in a civil case.

Hearing

17 The matter will be set for hearing at the conclusion of the pre-hearing conference. If the Chief Justice declines to order a pre-hearing conference, the Local Registrar will consult the parties on available dates and set the hearing on the direction of the Chief Justice. The Local Registrar may notify the parties of the hearing date by ordinary mail.

Chief Justice M.D. Popescul,
Court of Queen's Bench for Saskatchewan.

New. Gaz. 1 Sep. 2017.

COURT OF QUEEN'S BENCH
COURT FILE NUMBER: _____
JUDICIAL CENTRE OF: _____
APPLICANT: Chief Commissioner, Saskatchewan Human Rights Commission
COMPLAINANT: _____
RESPONDENT: _____

APPLICATION BY THE CHIEF COMMISSIONER OF THE SASKATCHEWAN HUMAN RIGHTS COMMISSION FOR A HEARING PURSUANT TO SECTION 29.6 OF *THE SASKATCHEWAN HUMAN RIGHTS CODE*

1 I, _____, Chief Commissioner of the Saskatchewan Human Rights Commission, apply to the Court for a hearing respecting the complaint of _____ against _____.
(*name of complainant*) (*name of respondent*)

2 The particulars of the formal complaint are attached hereto as Appendix A.

3 A copy of the formal complaint is attached hereto as Appendix B.

4 A copy of the reply (without appendices) filed by the Respondent is attached hereto as Appendix C.

5 Proof of service of this application upon the Respondent(s) is attached hereto as Exhibit D. (*Add additional exhibit letters if required*.)

6 Since filing the complaint, the following issues have been resolved:

_____

7 The Commission understands the defence to be:

(a)

(b)

(c)

8 A copy of relevant documents from the Commission's investigation file is included in a sealed envelope with this application.

9 The remedy sought is: (include relevant sections and particulars)

☐ (a) cease contravention – s. 31.3(a).

☐ (b) provide right denied by contravention – s. 31.3(b)

☐ (c) compensation for wages, benefits and expenses – s. 31.3(c)

☐ (d) compensation for additional cost of alternate services – s. 31.3(d)

☐ (e) measures to ensure accessibility – s. 31.3(e)

☐ (f) compensation for injury to dignity – s. 31.4(a) or (b)

☐ (g) costs (note statutory limits).

10 The particulars of each remedy sought are as follows:

_____

_____

_____

_____

DATED at the City of _____, in the Province of Saskatchewan, this _____ day of _____, 20 _____ .

_____

CHIEF COMMISSIONER
Saskatchewan Human Rights Commission

NOTICE TO RESPONDENT

Before setting the matter down for a hearing, the Chief Justice of the Court of Queen's Bench may first order that the parties participate in a pre-hearing conference before a Judge of the Court. The Local Registrar at the above noted judicial centre will contact you by phone or otherwise to determine when you are available to attend a pre-hearing conference (if ordered) or the hearing, as the case may be. You can expect to be contacted within 60 days from the date of this application. Thereafter, notice of the pre-hearing conference date or the hearing date will be sent to you by ordinary mail at the address provided for each party at the bottom of this form. The Chief Commissioner shall contact you before the pre-hearing conference to disclose relevant documents from their file that may be used at the pre-hearing conference. **You must notify the Local Registrar immediately should you have any change in your contact information from what is set out below.**

PARTIES CONTACT INFORMATION:

The contact information for the Saskatchewan Human Rights Commission is:

Saskatchewan Human Rights Commission
816, 122-3rd Ave. N,
SASKATOON SK S7K 2H6
Phone number: (306) 933-7863
Lawyer in charge of file: _____

The contact information for the Complainant, _____ , is:

Mailing address: _____

_____

Phone number(s): _____ (home)
_____ (work)
_____ (cell)

Lawyer in charge of file (if applicable): _____

The contact information for the Respondent, _____ , is:

Mailing address: _____

_____

Phone number(s): _____ (home)
_____ (work)
_____ (cell)

Lawyer in charge of file (if applicable): _____

(Add contact information for each additional party)

New. Gaz. 1 Sep. 2017.

COURT OF QUEEN'S BENCH
COURT FILE NUMBER: _____
JUDICIAL CENTRE OF: _____
APPLICANT: Chief Commissioner, Saskatchewan Human Rights Commission
COMPLAINANT: _____
RESPONDENT: _____

NOTICE TO APPEAR FOR A PRE-HEARING CONFEFRENCE

TO: _____
(*Name of Respondent*)

_____
(*Name of Complainant*)

And To: The Saskatchewan Human Rights Commission

YOU ARE REQUIRED TO ATTEND a pre-hearing conference before a Judge of the Court of Queen's Bench at the following time and place:

Location:

Date:

Time:

in connection with the request for a Human Rights hearing earlier served upon you by the Chief Commissioner of the Saskatchewan Human Rights Commission.

The purpose of the pre-hearing conference is:

(i) to explore, what possibilities for settlement, if any, the parties are willing to consider prior to a hearing;

(ii) to ensure that all the parties have received proper disclosure;

(iii) to identify the issues that will be the subject of the hearing;

(iv) to obtain from the parties the number of witnesses proposed to be called at the hearing;

(v) to estimate the amount of time the hearing will take; and

(vi) to answer any procedural questions the parties may have.

Should the matter not be resolved at the pre-hearing conference, a hearing date will be set at the pre-hearing conference. The Judge who conducts the pre-hearing conference will not be the Judge who hears the matter.

ISSUED at the City of _____, in the Province of Saskatchewan, this _____ day of _____, 20 _____ .

_____
Local Registrar

New. Gaz. 1 Sep. 2017.

FAMILY PRACTICE DIRECTIVE NO. 1
FAMILY PRE-TRIAL CONFERENCES

Effective: July 1, 2013

REFERENCE: FAM-PD NO. 1

Former Reference: Practice Directive No. 5 issued May 1, 2009.

1 Pursuant to Rule 15-21 of the *Court of Queen's Bench Rules*, a Joint Request for Pre-Trial Conference Form 15-21 form must be completed, signed by all counsel, and filed before the Local Registrar will assign a pre-trial conference date. There will be no more bifurcated pre-trials where parties seek to have a pre-trial on one aspect of the matters in issue and leave the balance in abeyance. A pre-trial will address all issues. The exception to this requirement is pre-trials ordered for a specific purpose from Chambers.

2 Where one of the parties neglects or refuses to join in a joint request for a pre-trial conference recourse may be had to Rule 4-11(2). Where no reason is offered for the neglect or refusal Rule 4-11(3) is the appropriate rule. In addition to the information required by Rule 4-11(1)the application should include the information contained in paragraph (g) and (h), of the Joint Request Form 15-21.

3 Form 15-21 requires the lawyers to confirm that efforts at settlement have been made and requires the dates settlement was discussed be identified. In the absence of dates being identified, a pre-trial date will not be assigned.

4 The goals of a pre-trial conference are:

(a) to allow the parties to participate in the problem solving process;

(b) to allow settlement options to be presented which would not necessarily be available at trial;

(c) to allow the parties to receive the benefit of a trial judge's views on issues that remain unresolved;

(d) if settlement is not achieved to narrow the issues that remain to be litigated, and arrive at all reasonable agreements that will minimize time at trial;

(e) to take any other steps which will improve the efficiency of the trial and save time and costs for parties and witnesses.

5 Parties to family law proceedings are required to be present personally at the pre-trial conference unless otherwise ordered by the pre-trial judge on prior application by telephone through the local registrar.

6 At the pre-trial conference, the pre-trial conference judge may make any orders outlined in Rule 4-18 including orders as to costs.

Chief Justice M.D. Popescul,
Court of Queen's Bench for Saskatchewan.

FAMILY PRACTICE DIRECTIVE NO. 2
MANDATORY PARENTING EDUCATION PROGRAMS

Effective: July 1, 2013

REFERENCE: FAM-PD NO. 2

Former Reference: Practice Directive No. 14 issued October 17, 2001.

1 This Practice Directive applies to family law proceedings commenced in judicial centres designated pursuant to subsection 7.1(1) of *The Queen's Bench Regulations*.

2 Every person commencing a family law proceeding in which custody, access or child support is in issue, other than proceedings pursuant to *The Reciprocal Enforcement of Maintenance Orders Act, 1996*, shall serve upon the respondent, at the same time as the document commencing the proceeding is served, a Notice to Attend a Parenting Education Program, which notice shall be in the attached form.

Chief Justice M.D. Popescul,
Court of Queen's Bench for Saskatchewan.

NOTICE TO ATTEND A PARENTING EDUCATION PROGRAM

To: The Respondent (or Petitioner),

_____*(Name)*

YOU ARE REQUIRED to attend a parenting education program, unless:

(a) you file with the court a certificate of attendance proving that you have attended a parenting education program or an equivalent program within the preceding two years; or

(b) you obtain an exemption pursuant to subsection 44.1(9) of *The Queen's Bench Act, 1998*; or

(c) you and all other parties to this proceeding certify in writing that a written agreement has been entered into settling all issues respecting custody, access and child support.

IF YOU FAIL to attend a parenting education program when required to do so the court may, on application:

(a) strike out your pleading or other documents;

(b) refuse to allow you to make submissions on an application or at trial; or

(c) order you to attend a parenting education program within any time specified by the court.

To attend the course you must register at least two days in advance by telephone toll-free 1-877-964-5501 or (306) 964-4410 in Saskatoon. There is no fee for registration. Parties do not attend the course together.

Dated at _____ , Saskatchewan, this ___ day of _____ , 2 ____ .

_____

Party or Party's Lawyer

FAMILY PRACTICE DIRECTIVE NO. 3
OBJECTIONS TO AFFIDAVIT EVIDENCE IN FAMILY MATTERS

Effective: July 1, 2013
Amended: May 1, 2014

REFERENCE: FAM-PD NO. 3

Former Reference: Practice Directive No. 17 issued October 17, 2001

1 Objections to affidavits shall be raised by filing a notice of objection in the form attached hereto.

2 A copy of the affidavit objected to is to be attached to the notice of objection with those portions to which objection is taken highlighted or otherwise identified, such as by underscoring, and a notation in the margin as to the Rule upon which objection is taken and the grounds for the objection (example: hearsay, argument, opinion, irrelevant, etc.).

3 A notice of objection shall be served and filed:

(i) when objecting to the affidavit(s) filed in support of the substantive motion: at least seven days before the return date;

(ii) when objecting to the affidavit(s) filed in response to the substantive motion: at least one clear day before the return date;

(iii) when objecting to a reply affidavit: by noon the day before the return date.

4 A response to the notice of objection shall be filed in the form attached hereto.

5 The response to the notice of objection shall be served and filed as follows:

(i) in reply to the objection to the affidavit(s) filed in support of the substantive motion: at least two clear days prior to the return date;

(ii) in reply to the objection to the affidavit(s) filed in response to the substantive motion: 12:00 noon of the day before the return date;

(iii) in reply to the objection to the reply affidavit: at the hearing on the return date.

6 There will be no argument in chambers on the objection unless the chamber judge requests further comment.

Chief Justice M.D. Popescul,
Court of Queen's Bench for Saskatchewan.

New. Gaz. 23 May 2014.

NOTICE OF OBJECTION TO AFFIDAVIT EVIDENCE

TAKE NOTICE that an application is hereby made to the presiding judge in chambers at the court house in _____, Saskatchewan at _____ o'clock in the _____ noon on the _____ day of _____ , 20 ____ on behalf of the petitioner (or respondent, as the case may be) objecting to the following affidavit evidence:

[(a) The affidavit of _____, a copy of which is attached hereto with the material objected to identified;]

ON THE FOLLOWING GROUNDS:

[(a) As noted on the attached copy of the affidavit(s)]

DATED at the City of _____, in the Province of Saskatchewan, this _____ day of _____ , 20 _____.

_____

TO:

This document was delivered (etc. as in Form 589)

_____

RESPONSE TO NOTICE OF OBJECTION

THE PETITIONER (or Respondent as the case may be) ACKNOWLEDGES the following affidavit material is to be struck or disregarded, as the case may be:

[(a) Identify the affidavit and the specific provisions]

AND TAKES ISSUE with the remaining material objected to ON THE FOLLOWING GROUNDS:

[(a) Identify the affidavit, the passage in question and the reason.]

DATED at the City of _____, in the Province of Saskatchewan, this _____ day of _____ , 20 _____.

_____

TO:

This document was delivered (etc. as in Form)

FAMILY PRACTICE DIRECTIVE NO. 4
FAMILY SERVICE PROCEEDINGS

Effective: May 1, 2014

REFERENCE: FAM-PD NO. 4

1 The following practices, procedures and forms shall be used in proceedings under *The Child and Family Services Act*.

2 Initial Summary (IS)

(a) the Applicant must complete and file an Initial Summary (IS) in the attached form in each matter.

(b) the IS is to be signed by the family service worker or supervisor responsible for the application.

(c) the IS is to be disclosed to the opposing counsel/or party at the same time and in the same manner as other family service court documents are disclosed.

3 Court Appearance Memo (CAM)

(a) the Applicant must complete and file Court Appearance Memo (CAM) in the attached form for each matter.

(b) the CAM must be filed with the Court by the end of the day on the Friday prior to Chambers.

(c) the CAM is to be disclosed to the opposing counsel/or party at the same time and in the same manner as other family service documents are disclosed.

4 Applicant Pre-Trial Form (APTF)

(a) the Applicant must file an Applicant Pre-trial Form (APTF) in the attached form for each matter.

(b) the APTF must be filed with the Court and a copy provided to the opposing counsel/party by noon on the Friday prior to the pre-trial.

5 Respondent Pre-Trial Form (RPTF)

(a) the Respondents must file a Respondent Pre-Trial Form (RPTF) in the attached form for each matter.

(b) the RPTF must be filed with the Court and a copy provided to the Applicant or its counsel by noon on the Friday prior to the pre-trial.

Chief Justice M.D. Popescul,
Court of Queen's Bench for Saskatchewan.

New. Gaz. 11 Apr. 2014.

INITIAL SUMMARY

FSM NO.:

SOCIAL WORKER:

Child's Name	Date of Birth	Mother	Father

CUMULATIVE TIME OUT OF PARENTAL CARE:

Dates (date) to (date)	Child's Name (if more than one child on the application)	Legal Status (Apprehended, Section 9, Private Placement)	Time Out of Parental Care (in year, month format)

CIRCUMSTANCES LEADING TO THE APPLICATION:

History, circumstances of apprehension, etc.

ORDER RECOMMENDED:

___ s. 37(1)(a) – Placement with Parent Under supervision? Term: Parent: ___ s. 37(1)(b) – Person of Sufficient Interest Term: PSI: Date of Homestudy: ___ s. 37(1)(c) – Short Term Wardship Term: ___ s. 37(2) – Permanent Wardship Date of Panel Approval: ___ s. 37(3) – Long Term Wardship to Age 18 Date of Panel Approval:
Conditions to attach:

FSM NO.:

COURT APPEARANCE MEMO

DATE: (chambers date)

SOCIAL WORKER: (name)

CHILD(REN):	**DATE(S) OF BIRTH:**
1. (name)	DOB
2. (name)	DOB

DATE OF APPREHENSION: (date)

DATE OF APPLICATION: (date)

APPEARANCE NUMBER: (number)

ORDER RECOMMENDED:

___ s.37(1)(a) – Placement with Parent Under supervision? Term: Parent: ___ s. 37(1)(b) – Person of Sufficient Interest Term: PSI: Date of Homestudy: ___ s. 37(1)(c) – Short Term Wardship Term: ___ s. 37(2) – Permanent Wardship Date of Panel Approval: ___ s. 37(3) – Long Term Wardship to Age 18 Date of Panel Approval:
Conditions to attach:

Page 2 – COURT APPEARANCE MEMO

SERVICE:

	DATE SERVED:	METHOD OF SERVICE:
MOTHER: (name)		
MOTHER'S BAND: (name)		
FATHER: (name)		
FATHER'S BAND: (name)		
SIGNIFICANT OTHER(S): (name)		

REGISTRATIONS OF LIVE BIRTH:

	FILED? Yes or no
(child's name)	**(yes or no)**
(child's name)	**(yes or no)**

EVIDENCE:

1. Affidavit of .....

2.

3.

DOCUMENTS NEEDED:

1. Proof of service on...

2. Affidavit...

HAS A DRAFT ORDER BEEN FILED? Yes or No

PRE-COURT COMMENTS:

Page 3 – COURT APPEARANCE MEMO

MSS COUNSEL: (name)

MOTHER'S COUNSEL: (name)

FATHER'S COUNSEL: (name)

REPORT TO WORKER (FOR COUNSEL USE ONLY):

WHO APPEARED?

WHAT HAPPENED IN COURT?

APPLICANT PRE-TRIAL FORM

Date: (pre-trial date)

Court File Number/Name: (court file number/name)

Counsel for Ministry/Agency: (name)

Date of Application: (date)

Order Recommended: (details of order recommended)

Mother: (name and date served)

Mother's Band: (name and date served)

Father: (name and date served)

Father's Band: (name and date served)

Other: (name(s) and date(s) served or consent(s) filed)

Birth Registration: (confirm that previously filed that attached)

Evidence: (details of evidence filed (affidavit(s), home assessment(s), etc.)

Summary: (details from evidence in paragraph or point form addressing circumstances leading to application, concerns of Ministry/Agency, position of Ministry/Agency on application and any other issue/matter Ministry/Agency feels is relevant to the proceeding)

RESPONDENT PRE-TRIAL FORM

Date: (pre-trial date)

Court File Number/Name: (court file number/name)

Counsel: (name)

Representing: (name and relationship to child/children)

Evidence: (details of evidence filed on behalf of this party)

Summary: (details from evidence in paragraph or point form addressing circumstances of this party, any steps taken or to be taken by this party, this party's position on application and any other issue/matter this party feels is relevant to the proceeding)

FAMILY PRACTICE DIRECTIVE NO. 5
SUMMARY HEARINGS IN FAMILY SERVICES PROCEEDINGS

Effective: September 1, 2018

REFERENCE: FAM-PD NO. 5

1 The following practices and procedures shall be used in contested applications under *The Child and Family Services Act* [*CFSA*] when either of the following orders is sought:

(a) placement with a parent under supervision pursuant to clause 37(1)(a) of the *CFSA*; or

(b) an order temporarily placing the child in the care of the Minister for a period of six months or less pursuant to clause 37(1)(c) of the *CFSA*.

2 If the application is opposed by any of the parents or a person of sufficient interest, and the matter is at the stage where it should be directed to a pre-trial conference, the parents and the persons of sufficient interest will be given the option of proceeding directly to a one-day summary hearing instead of proceeding to a pre-trial conference. If all of the parents and persons of sufficient interest who are opposed to the application do not consent to the matter proceeding directly to a one-day summary hearing, the matter shall first proceed to a pre-trial conference.

3 If one of the parents or persons of sufficient interest elects to have a pre-trial conference and the matter is not resolved at the pre-trial conference, the matter shall then be set for a one-day summary hearing.

4 If any of the parties who are participating in the matter are self-represented, the local registrar shall provide them with a copy of this Practice Directive and the document entitled "Explanation to a Self-Represented Person Opposing the Application" (Appendix A), when the matter is set for summary hearing.

5 The following procedure shall be used for summary hearings:

(a) at the summary hearing, the affidavits filed by the applicant will be the evidence-in-chief on behalf of the applicant. The applicant may file additional affidavits within seven days after the matter is set down for summary hearing and these additional affidavits also form part of the evidence-in-chief on behalf of the applicant. The applicant may file additional affidavits with leave of the court;

(b) the applicant shall make available a copy of all of its affidavits to all of the parties who are participating in the matter within 10 days after the matter has been set down for summary hearing, in the following manner:

(i) for any parties represented by counsel, the affidavits shall be served on the parties' counsel;

(ii) for any self-represented parties, the court will make an order providing conditions upon which the affidavits will be provided to the self-represented party. This order will require the self-represented party to personally pick up the copies of the affidavits from the office of the Ministry of Social Services and sign an undertaking regarding the use of the documents. The undertaking will mirror the conditions of the order;

(iii) the copies of the affidavits shall not be redacted without an order permitting such redaction. The applicant may apply to the court for an order permitting redaction before providing copies of the affidavits;

(c) the applicant must make the deponents of its affidavits available for cross-examination by the other parties at the hearing. Each of the other parties participating in the application shall promptly provide the applicant with reasonable notice for any deponent the party does not wish to cross-examine. Unless all of the other parties participating in the matter give notice that a particular deponent is not required for cross-examination, that deponent must attend the hearing for the purpose of cross-examination;

(d) the evidence of the parents and the persons of sufficient interest may be *viva voce* or by affidavits with the right of the applicant and any other parties opposed in interest to cross-examine each witness or deponent. Any affidavits filed on behalf of a parent or person of sufficient interest must be served on the applicant and filed a minimum of seven days in advance of the hearing. If a parent or person of sufficient interest wishes to file affidavits, that party must make copies of the affidavits available to all self-represented parties who are participating in the matter in the same manner as set out in subclause 5(b)(ii) of this procedure with modifications as necessary;

(e) the parents and persons of sufficient interest must make the deponents of their affidavits available for cross-examination at the hearing. The applicant and other participating parties shall promptly provide the party who files an affidavit with reasonable notice with regard to any deponent the applicant or other participating parties do not wish to cross-examine. Unless the applicant and all other participating parties give notice that a particular deponent is not required for cross-examination, that deponent must attend the hearing for the purpose of cross-examination;

(f) the applicant will have the right to provide *viva voce* reply evidence with leave of the court;

(g) the applicant shall be first to argue, followed by the other parties, with rebuttal by the applicant;

(h) this procedure is subject to modification by the judge presiding at the summary hearing after hearing submissions from the parties regarding any proposed modifications. Such modifications may be made in advance of the hearing or at the hearing;

(i) once a matter has been set for a summary hearing, if counsel for one of the parties wishes to withdraw, such counsel must seek leave of the court to withdraw. Such an application, unless otherwise ordered, may be by conference call with any judge of the court;

(j) summary judgment will be provided by the court as soon as possible, preferably orally at the conclusion of the hearing. Subsection 37(9) of *The Child and Family Services Act* requires written reasons be provided. If an oral ruling is given the presiding judge should request the oral decision be transcribed by transcript services for distribution to the parties.

6 Attached as Appendix A is the "Explanation to a Self-Represented Person Opposing the Application".

7 Attached as Appendix B is the "Suggested Terms for a Disclosure of Affidavits Order for Summary Hearing".

8 Attached as Appendix C is a draft "Undertaking to Obtain Copies of Affidavits".

Chief Justice M.D. Popescul,
Court of Queen's Bench for Saskatchewan.

APPENDIX A

EXPLANATION TO A SELF-REPRESENTED PERSON OPPOSING THE APPLICATION

Attached to this document is the procedure that will take place where Social Services (or a child and family services agency) has apprehended a child and wants a judge to make a short-term order (less than six months) that allows Social Services to care for the child or to return the child to a parent with conditions. The procedure is written in legal terms. Here is an explanation in more common language. This explanation refers to "Social Services" but the procedure is the same if a child and family services agency is involved instead of Social Services.

Overview

There is often opposition to the order Social Services wants. It is a judge, not Social Services, who makes the final decision as to what should happen with the child. This explanation will refer to the person opposing Social Services as the "parent" but in some cases it is both parents or other people who are interested in the welfare of the child that can have a say in what is best for the child.

Social Services must bring an application to the court after it apprehends a child. An application is simply a document that describes what Social Services wants the court to order. For example, Social Services may want to keep the child in its care for a few months or return the child to the parent but with conditions. It sometimes asks for a longer order, such as when it says that it is best for the child to be placed in the care of Social Services permanently.

When Social Services wants an order allowing it to care for the children for longer than six months, there is a fairly long legal process involving a pre-trial conference and sometimes a trial.

The summary hearing procedure described here is faster than going all the way to a trial but can only be used when Social Services is asking for an order that affects the child for six months or less and:

- wants the child to be placed with a parent, but with conditions; or
- wants the child to be placed in the care of Social Services.

If the parent does not want the order Social Services wants, there will be a summary hearing before a judge who will decide what kind of an order is best for the child. A summary hearing is a very short trial, usually less than a day.

What Happens before the Hearing?

Within 10 days of the judge ordering that there will be a summary hearing, Social Services has to give the parent the sworn affidavits that it says justify the court making the order that it wants. These affidavits are evidence that the court will consider in making its decisions. The parent will have to pick up these copies of the affidavits from Social Services and sign an undertaking agreeing to use the affidavits only for the purposes of the hearing.

Seven days before the hearing, the parent can serve Social Services with any sworn affidavits it wants the court to consider. The parent has to file those affidavits with the court as well. The parent does not have to file affidavits and can call witnesses who can testify at the hearing.

Affidavits are statements containing facts that the person making the statements swears to be true. Anyone who swears an affidavit has to be present in court at the hearing so the other side can cross-examine them (ask them questions). If the parent does not need to cross-examine a person who swore an affidavit, the parent should tell this to Social Services and that person does not have to be at the hearing.

What Happens at the Hearing?

1 Social Services goes first. The judge will have read the affidavits Social Services filed and will consider them to be the evidence that Social Services says is sufficient to persuade the judge to give it the order Social Services wants the judge to make.

2 The parent can cross-examine the people who swore the affidavits Social Services filed.

3 The parent then has the opportunity to bring evidence before the judge in opposition to the order Social Services wants:

(a) if the parent has filed sworn affidavits, Social Services can cross-examine those people (remember that those people have to be at the hearing unless Social Services tells the parent that they do not have to be there). The parent can ask the witness a few questions after that;

(b) the parent can testify and call other witnesses to testify. Social Services can cross-examine the parent and any other witnesses the parent calls.

4 Social Services can then bring witnesses to testify in reply to the evidence put before the court by the parent.

5 After that, the judge will listen to Social Services explain why the order it wants should be granted and the parent can explain why the judge should not grant the order.

6 The judge will make a decision after hearing the arguments from Social Services and the parent. Sometimes the judge will give the decision at the end of the hearing and the parent will later be given a transcript of what the judge said. Sometimes the judge will not give a decision right away and will make the order in writing at a later date.

APPENDIX B

SUGGESTED TERMS FOR A DISCLOSURE OF AFFIDAVITS ORDER FOR A SUMMARY HEARING

The Ministry of Social Services (or name of the child and family services agency) shall make copies of its affidavits available to _____ [the Respondent], upon the following conditions:

1. The Respondent shall use the affidavits solely for the purpose of conducting the summary hearing in the Court of Queen's Bench in relation to the children _____

   _____ .
2. The Respondent shall not share the contents of the affidavits with any other person except for the purpose of preparing for the summary hearing.
3. The Respondent shall keep the affidavits in his or her possession and not allow any other person to take possession of the affidavits.
4. The Respondent shall store the affidavits in a secure, private location.
5. The Respondent shall not make any copies of the affidavits.
6. The Respondent shall not post the affidavits or their contents to Facebook, Instagram or any other social media.
7. The Respondent shall not publish, broadcast or disseminate, in any form or format, the affidavits or their contents.
8. The Respondent shall return the affidavits to the Ministry of Social Services within seven days after the conclusion of the summary hearing.
9. _____
   (*Any other conditions the court deems appropriate*)
10. The Respondent shall personally pick up the copies of affidavits from the offices of the Ministry of Social Services.
11. The Respondent shall sign an undertaking at the offices of the Ministry of Social Services acknowledging his or her obligations under this order before receiving copies of the affidavits from the Ministry of Social Services.

APPENDIX C

UNDERTAKING TO OBTAIN COPIES OF AFFIDAVITS

I, _____, am a self-represented party in the court application for: _____ .

(*children's names and birth dates*)

In order to receive a copy of the affidavits in this matter, I undertake I will comply with the conditions listed below:

1. I will use the affidavits solely for the purpose of conducting the summary hearing in the Court of Queen's Bench for the children listed above.
2. I will not share the contents of the affidavits with any other person except for the purpose of preparing for the summary hearing.
3. I will keep the affidavits in my possession and not allow any other person to take possession of the affidavits.
4. I will store the affidavits in a secure, private location.
5. I will not make any copies of the affidavits.
6. I will not post the affidavits or their contents to Facebook, Instagram or any other social media.
7. I will not publish, broadcast or disseminate, in any form or format, the affidavits or their contents.
8. I will return the affidavits to the Ministry of Social Services within seven days after the conclusion of the summary hearing.
9. _____

(*Any other conditions the court ordered*)

10. I acknowledge failure to comply with any of these conditions can result in contempt of court proceedings against me.

Dated at _____ , Saskatchewan, this _____ day of _____ , 20 _____ .

_____

(*signature)*

New. Gaz. 10 Aug. 2018.