

NOTICE

COURT OF QUEEN'S BENCH OF MANITOBA

RE: AMENDMENTS TO COURT OF QUEEN'S BENCH RULES

**The following amendments will come into force
September 1, 2007:**

Queen's Bench Rule 71 – Assessment of Lawyer's Bill

The rule has been amended to set up a procedure whereby a lawyer's client by notice of application may apply for assessment of a lawyer's bill. The assessment will be heard originally by a master. The master will provide a report. There will be a deemed confirmation date so that unless, before the deemed confirmation date, a motion is made to a judge, the master's report will be confirmed. If the subject matter of the work done was Family law, the application will proceed to the master, but beyond that to a judge of the Family Division. Otherwise, it will proceed to the master and thereafter, if necessary, to a judge in the General Division.

The notice of application to commence the process must be filed within six months after receipt of the bill. As well, it must be accompanied by an affidavit which will provide the date the bill was received, a copy of the bill and the relevant facts to support the grounds for the assessment.

Following hearing, the master will make a report containing his/her findings and conclusions and setting out the amount if any payable by the client, as well as the deemed confirmation date which is 35 days after the report is signed by the master. If the master's report is challenged, the judge conducting the confirmation hearing may confirm the report in whole or in part or make such order as may be just.

Once the master's report is confirmed either because it was not challenged prior to the deemed confirmation date or following a confirmation hearing before a judge, the report becomes an order of the court.

The powers of the court on hearing an application under this rule are set forth in Rule 71.08.

Queen’s Bench Rule 30.1 — Deemed Undertaking

This rule has been amended so as to make it apply to reports of expert witnesses referred to in Queen’s Bench Rule 53.03 that are filed or deposited with the court in a “B” file under Queen’s Bench Subrule 4.09(1).

Queen’s Bench Subrule 55.02(13)

Queen’s Bench Subrule 55.02(13) is replaced with the following:

“Evidence

55.02(13) The following rules apply, with necessary changes to the conduct of a reference:

- (a) Rule 30.1 (deemed undertaking);
- (b) Rule 52 (trial procedure), other than rules 52.08, 52.09 and 52.11;
and
- (c) Rule 53 (evidence at trial), other than rule 53.08.”

Queen’s Bench Rules 70.24(24.1) and 50.01(11)

Queen’s Bench Rules 70.24(24.1) and 50.01(11) have been amended relative to returning documents to parties after a case conference or pre-trial conference.

Queen’s Bench Rule 76.03

Queen’s Bench Rule 76.03 has been amended by the addition of 76.03.1 which provides that Queen’s Bench Rule 53.04 (the payment of conduct money) will apply to Small Claims actions.

Queen’s Bench Rule 70.33, Forms 70N, 70O and 70Z, and Queen’s Bench Rule 59.04(4)

Various minor amendments have been made to Queen’s Bench Rule 70.33, to Forms 70N, 70O and 70Z, and to Queen’s Bench Rule 59.04(4).

ISSUED BY:

Original signed by

**The Honourable Mr. Justice A.D. MacInnes
Chairperson, Queen's Bench Statutory Rules Committee
(Manitoba)**

DATE: June 14, 2007