

NOTICE

COURT OF QUEEN'S BENCH

RE: AMENDMENTS TO RULE 70 - CASE MANAGEMENT

The Statutory Rules Committee approved an amendment to *Court of Queen's Bench Rules – Case Management* [70.24], Manitoba Regulation 553/88 on January 26, 2005 and subsequently registered Regulation 11/2005 on January 26, 2005. The amended Regulation will come into force on February 15 2005. You can access Regulation 11/2005 at:
<http://web2.gov.mb.ca/laws/regs/2005/index.php>

The amendment came about largely as a result of the recent Family Division Case Management Evaluation conducted by Prairie Research Associates Inc. Their findings and recommendations were that the case management regime was very successful, but was placing an unsupportable burden on the judiciary and court staff. The decision was made to modify the case management rules in the hope of placing less pressure on the system. The thrust of the changes to Rule 70.24 is to make the case management system somewhat less mandatory but at the same time to discourage undue delay through an automatic 200-day time limit.

Highlights are:

Under the current rules [70.24(10)], the first case conference is triggered by:

- (a) setting of date for first contested motion or application;
- (b) on an answer being filed;
- (c) 90 days from date of originating process if no answer filed, unless default noted and set down for hearing;
- (d) any time on the request of a party.

Under the rule change [70.24(10)], the first case conference will be scheduled:

- (a) on the setting of a hearing date for the first contested motion or application;
- (b) at any time on the request of a party

The triggering mechanisms of an answer and the 90-day expiry date have been removed.

Under the current Rule [70.24(16)], the case conference judge must schedule a date for a subsequent case conference.

Under the rule change [70.24(16)], a subsequent case conference may be scheduled:

- (a) at any time by a party to the proceeding
- (b) at the conclusion of a case conference, at the discretion of the case conference judge.

Under Rule 70.24(30), a matter may only be set down for trial at a case conference unless a judge otherwise orders.

Under Rule 70.24(32) to 70.24(38), if 200 days after the date the originating process was filed there have been no proceedings, then the registrar will send out to the parties a notice of dismissal giving 30 days to proceed, failing which the proceeding will be dismissed. A judge may, on motion, set aside a registrar's dismissal order.

Parties are required to file a Requisition and a Case Management Information Statement for each case conference hearing date set.

The Family Division Case Management pamphlet is being revised and anticipated distribution by March 1, 2005.

Family Division Case Management (Winnipeg Centre) Consolidated Practice Directives can be found [here](#).

ISSUED BY:

**The Honourable Associate Chief Justice Mercier
Court of Queen's Bench (Family Division)**

DATE: February 15, 2005