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## RECENT AMENDMENTS TO THE RULES OF COURT (APRIL 1, 2020)

The Legislature has amended the Rules of Court by way of an Order in Council passed on March 17, 2020. The full amendment can be found [here](#). The changes are all effective immediately, except the revisions to costs amounts stipulated under Schedule C, which are effective May 1, 2020.

The amended version of the Rules is now available on [CanLII](#) (again, with the exception of Schedule 'C').

Key amendments for civil litigators include:

- 1) Rule 4.16 now permits a Case Management Judge or a Judge at a case conference to expressly order the parties to attend an ADR process and sets out the considerations for making such an Order. Such an Order may be made on the Judge's own motion or at the request of one of the parties.
- 2) The deadline to review a lawyer's charges under Rule 10.10 has been extended from 6 months to 1 year. This longer period applies to both client-initiated and lawyer-initiated reviews.
- 3) Rule 10.33 has been amended to expressly permit the Court to consider any offer for settlement in the course of making a costs award, not just a formal offer under Rule 4.24.
- 4) Rule 11.26 for service outside of Alberta has been modified and new Rules for international service have been created (at new Rules 11.33 to 11.35). Valid methods for international service continue to include those pursuant to the Hague Convention, but expressly include other methods, such as service through diplomatic channels. The mechanics for service pursuant to the Hague Convention remain unchanged; they are now simply expressly provided in the Rules. These amendments also include a modified Rule for default judgment for matters served per the Hague Convention.

- 5) The Rule for Applications to restore Appeals pursuant to Rule 14.47 has been clarified. The time periods in which the Application must be returnable remains unchanged -- 6 months for a standard appeal and 3 months for a fast track appeal -- but the Rule now expressly requires the application to be filed and served "as soon as reasonably possible."
- 6) Any memorandum of argument for an application at the Court of Appeal must now be formatted the same way as a factum, per amended Rule 14.54.
- 7) Costs payable under Schedule 'C' have been increased, as have the ranges under the respective columns. The amounts are increased by approximately 35% across the board. These amounts are effective starting May 1, 2020.

In addition, there have been revisions to several Forms. Forms used in civil litigation which received amendments are Form 33 (Notice to Admit), Form 42 (Appointment for Assessment of Costs), Form 43 (Appeal of Assessment Officer's Decision), and Form 44 (Bill of Costs).

JSS Barristers is pleased to provide summaries of recent Court Decisions which consider the Alberta Rules of Court and commentary related to the Rules, issued quarterly. Click [here](#) if you would like to receive electronic issues of future JSS BARRISTERS RULES via email.

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