



THE PROVINCIAL COURT  
OF BRITISH COLUMBIA

Effective Date: 23 Feb 2015

**SM. CL. 04**

## **PRACTICE DIRECTION**

### **REPRESENTATION AT A MEDIATION SESSION**

#### **Purpose**

To clarify who must attend mediation sessions in small claims matters in order to increase the likelihood of the claim being successfully resolved at the mediation session.

#### **Application**

This practice direction applies to mediation cases pursuant to *Small Claims Rules* 7.2 and 7.4.

#### **Directions**

1. Under Rules 7.2 and 7.4, if a party to a mediation is not an individual (e.g. a partnership, corporation or society), a representative who knows the facts of the case and who has the authority to settle the claim must attend the mediation session.
2. If counsel has been retained to represent a party with respect to their claim, counsel may attend the mediation session with the party but may not attend the mediation session in the place of the party unless they are in-house counsel employed by the party. In other words, a lawyer or articled student who has been retained by a party but who is not employed by the party as in-house counsel is not a “representative” for the purposes of Rules 7.2 and Rule 7.4.
3. If a lawyer or articled student attends without his/her client and that client is a named party, the mediation will not proceed and the party may be subject to a court order as a result of their non-appearance as provided in Rule 7.4(31) – (35) and Rule 7.2(22) – (26).
4. The legal profession is encouraged to ensure that clients are aware of the provisions in Rules 7.2 and 7.4.

## Duration

This practice direction is in effect from May 26, 2011 and remains in effect until further direction from the Chief Judge.

### History of Practice Direction

- Original practice direction dated May 26, 2011.
- Amended practice direction dated February 23, 2015 (changes to wording and formatting only).

I make this practice direction pursuant to my authority under the *Provincial Court Act*, R.S.B.C. 1996, c. 379, the *Small Claims Act*, R.S.B.C. 1996, c. 430 and the *Small Claims Rules*, B.C. Reg. 261/93.

Thomas J. Crabtree  
Chief Judge  
Provincial Court of British Columbia