



NOTICE TO THE PROFESSION

In response to the increase in the monetary jurisdiction of the *Small Claims Act* to \$25,000, the Provincial Court of British Columbia has made a number of scheduling changes in order to resolve cases in a "just, speedy, inexpensive and simple manner", according to the mandate in Section 2 of the *Act*.

Cases under \$10,000

Cases where the amount claimed is under \$10,000 will be scheduled for settlement conference as before, namely at a time assigned by the Settlement Conference Notice. These cases will be set at eight per day.

Cases over \$10,000

Cases where the amount claimed is over \$10,000 will be scheduled for settlement conferences at four per day, giving the parties more time to explore settlement, way of judicially assisted mediation. Administrative Judges will review these files, prior to the Settlement Conference Notice being sent, to exclude cases from this stream which on their face do not appear to warrant a longer settlement conference.

Cases requiring more than ½ day of trial time

The average civil trial in Provincial Court is 109 minutes, or less than ½ day. All cases that are estimated to exceed ½ day for trial, whether over or under \$10,000, will be adjourned to a trial preparation settlement conference. Orders may be made at the settlement conference requiring statements of facts, witness "will say" documents and reports to be brought to the trial preparation settlement conference.

The trial preparation settlement conference will generally occur in a settlement conference room and will be a working session to examine the evidence and determine issues. It is also expected that counsel will address, in the judge's presence, the issue of keeping trial time close to the average required in Provincial Court to fulfill the purpose of just, speedy, simple and inexpensive resolution of disputes.

It is expected that only one settlement conference will be required in each case to explore settlement, and a further conference, in cases set for more than ½ day, to prepare for trial.

Settlement Offer Rule

The profession is encouraged to utilize the settlement offer Rule 10.1 prior to, or within 30 days of, settlement conference, which may permit a recovery of substantial costs, if a matter proceeds through trial.

Hugh C. Stansfield
Chief Judge

February 2, 2006