

JUN 09 2010

Hittrich Lessing Kovacs

BARRISTERS & SOLICITORS

Aaron M. Lessing♦
Jack J. Hittrich♦
Janette E. Kovacs♦
Janet L. Clark♦
Matthew Brandon♦

June 8, 2010

File No: G99

Supreme Court Rules Revision Committee
The Law Courts
800 Smithe Street
Vancouver, B.C.
V8Z 2E1

BY FAX: 604-660-1723

Attention: Mr. Justice Malcolm D. Macaulay,
Chair of the B.C. Supreme Court Rules Revision Committee

Re: Resolution of the Westminster C.B.A. Family Law Sub Section addressing
concerns re Rule 10 - 6 of the new Supreme Court Family Rules

As the Legislative Liaison Chair of the Westminster C.B.A. Family Law Subsection, I am forwarding to you and your Committee a Resolution which was passed at our May 19, 2010 meeting addressing problems our members anticipate with Chambers practice under the new Rules.

We fully understand that given the rapidly approaching deadline of July 1, 2010, it is, of course, unlikely that any changes could be considered prior to the new Supreme Court Family Rules coming into force.

We sincerely hope that many of our concerns will not materialize, but if they do, we hope that this Resolution will be of assistance in the future.

♦ Denotes Personal Law Corporation

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Please note that the Resolution is also being forwarded to the Attorney General of British Columbia with an almost identical letter.

Should the Committee wish to hear further from our Family Law sub-section, we would be happy to assist.

Yours truly,

HITTRICH LESSING KOVACS

Per:



Jack Hittrich

encl.

cc: Mr. Justice Joyce - By Fax: 604-795-8202
Dinyar Marzban - By Fax: 604-681-0766
David Dundee - By Fax: 250-828-9952
Kathleen Kendall - By Fax: 250-377-1727
Sandra Dick - By Fax: 250-753-3949
Cori McGuire - By Fax: 1-866-686-5734
Neville McDougall - By Fax: 250-491-0266
Richard Bjarnason - By Fax: 250-960-2163
Kathryn Basran - By Fax: 604-669-4911
Stephanie Fabbro - By Fax: 604-687-1125
Kay Melbye - By Fax: 250-595-4440
Aesha Faux - By Fax: 250-595-4440
David Halkett - By Fax: 604-581-7110
J.P. Boyd - By Fax: 604-685-8563
Stuart Rennie - By Fax: 604-669-9601
Michael de Jong - By Fax: 250-387-6411
Robert W.G. Gillen - By Fax: 250-387-6411

RESOLUTION OF THE WESTMINSTER CBA FAMILY LAW SUB SECTION

WHEREAS many of the key provisions of Rule 51A of the current Supreme Court Rules have proven to reduce conflict and unnecessary court appearances;

WHEREAS the objectives of the new Supreme Court Family Rules under Rule 1-3 are to “minimize conflict” and “to secure the just, speedy and inexpensive determination of every family law case on its merits”; **AND**

WHEREAS the current filing requirements and notice provisions under Rule 10-6 of the new Rules are likely to lead to unnecessary court appearances and rushed replies which will increase costs and pressures for litigants and their counsel;

BE IT RESOLVED THAT the B.C. Supreme Court Rules Committee and the Attorney General of British Columbia forthwith consider amending Rule 10-6 to

- a) delete the requirement to file Applications and Affidavits before service;
- b) delete the requirement to fix a date for hearing when an Application is served;
- c) delete the requirement that responding materials have to be filed prior to service;
- d) stipulate more than 2 days for the service of responding materials prior to a hearing; and
- e) reinstate essentially the current Notice of Hearing and filing provisions under Rule 51A.

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Ministry of the Attorney General
P.O. Box 9044, Stn. Prov. Govt.
Victoria, B.C. V8W 9E2

BY FAX: 250-387-6411

Attention: Honourable Michael de Jong, Q.C.

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