

## **BY THE RULES...**

(NOTES & COMMENTS ON CIVIL PRACTICE & PROCEDURE)

## **Chambers Appointments Now Available for Toronto Civil Proceedings (Regular Stream)**



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James has a very diverse litigation practice, with a focus on commercial litigation matters, contractual disputes, shareholder disputes, professional liability and technology litigation.

A new, and very welcome, procedure has been implemented at the Toronto Superior Court for civil proceedings (regular stream). Parties may now request a chambers appointment with a Superior Court Judge to address unopposed or consent matters such as timetable amendments and scheduling requests, as well as short uncontested matters that do not require evidence.

These chambers appointments will save considerable time and effort for counsel, and more importantly, will reduce legal expenses for parties. Those accustomed to litigating matters on the Commercial List are familiar with the utility of the “9:30 case conferences” available for such matters, and how they can be used effectively to expedite proceedings.

Although the new procedure has already been implemented and chambers appointments are currently available, no Practice Direction has been issued by the Toronto Court as yet. However,

Court staff are very helpful in providing guidance to counsel. This new process will require lawyers to exercise good judgment to identify issues that are appropriate for chambers appointments and those that are not appropriate. An example of an issue suitable for a chambers appointment would be the implementation of a new Timetable in accordance with Rule 48. It would likely not be appropriate to seek a chambers appointment for a contested issue in an Action involving a self-represented party. As above, those familiar with Commercial List or Estates List proceedings will be familiar with the types of issues that the Court is prepared to deal with in chambers.

The chambers appointments for civil proceedings (regular stream) are held before a Judge, for a brief period of time (in or about 15 minutes), at a date and time that is fixed by the Court staff. To obtain a chambers appointment, counsel are to complete and submit one of three different forms, which are currently

available on the Toronto Lawyers' Association website. The forms are titled "Short Trials", "Long Trials" and "Motions". Court staff have advised that, in selecting the appropriate form to submit, counsel ought to consider the likely length of the Trial for the specific proceeding. If the matter is likely destined for a Trial of 10 days or less, counsel ought to submit the form for matters on the "Short Trial" list. If the Trial for the proceeding will likely take more than 10 days, counsel ought to submit the form for "Long Trials". It does not matter if the matter has not been set down for Trial. Counsel are to make a reasonable estimate as to the likely length of the Trial when choosing the appropriate form. If the chambers appointment concerns a matter where a Motion is pending, particularly a Summary Judgment Motion, the "Motions" form ought

to be submitted. The form is to be submitted to the Court via email and the address for each of the three different forms appears on its face.

Please keep in mind whether a case management Judge has been assigned when completing the Form, as is becoming more commonplace for regular stream civil proceedings. If a case management Judge has been assigned to the proceeding, the chambers appointment will take place with the assigned Judge. Otherwise, the chambers appointment will likely take place with one of the Superior Court Judges currently administering each respective list.

After the form has been submitted, counsel will likely receive a responding email from Court staff identifying the date, time and place for the chambers appointment.

The majority of the chambers appointments are taking place at the Superior Court of Justice located 393 University Avenue on the 8th floor at 9:00 a.m.

As with all new procedures, it will take some time for the Courts and counsel to iron out the details. However, the chambers appointments are a well-received change that will provide a streamlined process to allow parties to move proceedings forward in a more timely and cost-efficient manner.

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