

LITIGATION

BULLETIN

*A Report on Developments
in Canadian Litigation*

June 2001

NAVIGATING TORONTO'S NEW CASE MANAGEMENT PROGRAM

Beginning July 3, 2001, nearly all civil actions commenced in Toronto will be subject to Case Management. Case Management is designed to reduce litigation costs and delays, facilitate settlement, and bring actions to a prompt conclusion by transferring principal responsibility for moving cases along from the parties and their counsel to the judiciary.

One of the reasons for the implementation of the new system is to even the playing field between rich and poor litigants by ensuring that actions proceed as quickly and economically as possible.

Judicial intervention will occur through conferences which can be called by any party or by the court for almost any purpose, including to narrow, consolidate or resolve issues, establish or adjust the case's timetable, consider alternative dispute resolution, or simply move the case forward.

Under the new system it is expected that most cases will reach trial within one year, unless the parties can show a compelling reason for an extended timeline. This means that parties are going to be expected to be ready to move forward with an action as soon as it is initiated and to vigorously pursue it until it is resolved. Gone are the days in which actions could lie dormant for months, or even years.

To ensure flexibility in cases where this rigid timeline is not in the interests of the parties, Case Management judges and masters are authorized to extend or abridge any time limits. This being said, when one party fails to comply with the timetable, can result in dismissal of a case, striking out a defence or document, or an order for costs..

Along with Case Management, Toronto will also institute Mandatory Mediation on July 3, 2001. In our next bulletin, we will highlight the key features of the Mandatory Mediation Program.

WHO WE ARE



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Brett Harrison is an associate in the firm's Litigation and Dispute Resolution Department. His practice includes corporate/commercial litigation, insolvency, lender liability and competition issues.

The foregoing provides only an overview of Case Management in Toronto. Readers are cautioned against making any decisions based on this material alone. Rather, a qualified lawyer should be consulted.

For further information on these or other litigation matters, please contact one of the lawyers listed below, all of whom practice in the litigation field:

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