



Practice Directive for Provincial Court (Civil Division)
Implementation of Amendments to The Small Claims Act

As of January 1, 2006, a number of changes will occur in the process for civil claims filed in the Provincial Court:

- The Provincial Court (Civil Division) will be established, by the proclamation of section 8.1 of *The Provincial Court Act, 1998*;
- Amendments to *The Small Claims Act, 1997* and regulations will be in force, including the use of case management conferences for most claims and a new Summons;
- Informational and educational tools will be available to assist litigants and expedite the process.

The three main purposes of this Practice Directive and the procedures described below are to:

- a. Provide litigants with information and educational tools dealing with the structure and procedure of the civil process;
- b. Standardize court processes for civil claims across the Province; and
- c. Ensure efficient and effective resolution of civil disputes.

Copies of all forms and information packages described in this Practice Directive can be found on the court website, at <http://www.sasklawcourts.ca>.

1. CASE MANAGEMENT CONFERENCES

Section 7.1 has been added to *The Small Claims Act, 1997*, to provide a process for the conduct of case management conferences. The provision also provides authority to the judge presiding at the case management conference to make various orders.

It is expected that most claims will involve a case management conference. The Summons that is issued will indicate whether the matter is set for a case management conference or for trial.

Case management conferences will not be held at circuit points but will rather take place at the judicial centre. A checklist form has been developed for use at the case management conferences.

2. INFORMATIONAL AND EDUCATIONAL TOOLS FOR LITIGANTS

Plaintiff Information

Prior to starting an action, potential claimants will be provided with a two part information package entitled, “Should I Sue?” and “Starting Your Action”. These packages will ensure that the claimant is aware of the practical issues associated with starting an action and that if she or he wishes to proceed, the claimant is provided with information on how to commence an action.

Defendant Information and Preparing for Trial Material

Once the claim has been issued, the Plaintiff must serve the claim, together with the package titled “Defendant Information”. Included in the Defendant Information is a Dispute Note which, although not required by the legislative amendments, is being implemented as a procedural requirement, to enhance case management discussions.

In the event that settlement is not reached at the case management conference, the parties will be provided with the information package, “Preparing for Trial”. The purpose of this package is to educate litigants about the trial process and assist them in marshalling and calling their evidence.

If the judge is of the view that a case management conference would not be beneficial, the judge may issue a summons setting a trial date. In this instance, the Plaintiff will receive the Preparing for Trial information, which also must then be attached to the Summons **in place of** the Defendant Information package, for service upon the Defendant.

Instructional Videotape

“A Successful Day in Court - How to Present and Defend Your Civil Claim”

Copies of this 25 minute instructional videotape will be available at all Provincial Court offices, for viewing by litigants prior to trial.

3. FORMS

A new Summons has been prescribed in the regulations, which should be used for all claims initiated after January 1, 2006.

All small claims court documents filed in Provincial Court shall be styled in the following manner:

PROVINCIAL COURT OF SASKATCHEWAN
(CIVIL DIVISION)

For further information, please consult the court website at <http://www.sasklawcourts.ca> or a Provincial Court (Civil Division) office directly.

Judge Robert D. Jackson
Administrative Judge
Provincial Court (Civil Division)