

March 8, 2016

To: Members of the Law Society

The Court of Appeal rules committee determined that the 1986 Civil Rules of Court applying to this Court require revision. It was also decided that the time had come to separate the rules applicable to this Court from the Trial Division rules. In addition to simplifying the rules, there are some changes to procedure intended to streamline the process and reduce costs to litigants. In particular, you will note:

1. The notice of appeal requires less information;
2. Challenge to a previous decision of the Court is new;
3. The deemed abandonment process is changed;
4. Representation for a party is new;
5. Limited purpose retainer is new;
6. The rule regarding the filing and serving of documents addresses the separation from the Trial Division rules;
7. Notice to the Attorney General is new;
8. Several changes have been made to the applications part, including removal of leave to appeal in most cases;
9. Filing of the transcript, appeal book and factum simultaneously is new;
10. The process for preparing the formal order may be changed.

The rules will be accompanied by several forms (not yet completed) together with guidelines to assist in using the rules.

While the committee is in general agreement, there is not unanimous support for every rule. The draft is being provided to all members of the Bar to give each of you an opportunity to comment. Should you wish to discuss the draft with a member of the committee, the law society representatives are Leanne O'Leary, Bob Hickey, Todd Stanley, and Rolf Pritchard.

Questions, suggestions, concerns, omissions, etc. should be forwarded by email to Denise Butland (denisebutland@gov.nl.ca). In order to facilitate timely

completion of the new rules by the rules committee, we ask that you provide any comments no later than Thursday, March 24, 2016.

Your assistance is appreciated.

Court of Appeal Rules Committee