



**SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
TRIAL DIVISION**

NOTICE TO THE PROFESSION – UPCOMING RULE AMENDMENTS

The Rules Committee of the Supreme Court of Newfoundland and Labrador, Trial Division, recently approved amendments to the *Rules of the Supreme Court, 1986*. The regulation will be published in the October 20, 2017, edition of the *Newfoundland and Labrador Gazette*.

Summary of Amendments

(a) Rule 4.02 – Documents prepared for use in Court must be in English

An amendment to rule 4.02 specifies that documents prepared for use in Court shall be in the English language.

(b) Rule 39B – Attendance at a settlement conference

Rule 39B was amended to add rule 39B.03A, which sets out who must attend a settlement conference. The list of persons required to attend includes each party or an agent for the party that is authorized to enter into binding terms of settlement; any other person who may be liable to satisfy all or a part of a judgment in the proceeding or to indemnify or reimburse a party for money paid in satisfaction of all or a part of a judgment in the proceeding (such as an insurer), or an agent for that person that is authorized to enter into binding terms of settlement; and if applicable, counsel for any of those persons. The rule further provides that a judge may order that any other person whose attendance may be of assistance be present at the settlement conference and specify the manner of attendance.

A person required to attend a settlement conference may be permitted to appear remotely pursuant to rule 47A. Additionally, a person may request to be excused from attending the settlement conference.

The rule maintains the requirement that counsel attending a settlement conference be fully authorized, briefed and prepared to discuss, deal with and, where appropriate, give undertakings with respect to all matters properly arising during the settlement conference.

(c) Rule 46 – Documentary evidence to be translated into English

Rule 46 was amended by adding rule 46.30. That rule provides that, unless a judge orders otherwise, any document which a party intends to submit into evidence which is not written in the English language, must be accompanied by a translation into English and an affidavit from the translator.

(d) Rule 58 – Minor amendments to rules governing appeals in the Trial Division

Rule 58.03 was amended to add a subrule (10). That subrule confirms that a failure to obtain leave to appeal a decision made in an uncompleted matter does not prejudice the right of a party to appeal from that decision at the conclusion of the matter or limit the power of a judge to grant an order on such an appeal.

Rule 58.13 was amended by adding a paragraph (1)(a.1). That paragraph specifies that a judge presiding at a case management meeting in an appeal may determine whether it is appropriate to hear an application for leave to appeal at the same time as the appeal itself, and provide any directions required.

(e) Rule F – Minor amendments

Two minor amendments were made to rule F. Rule F16.02(1)(g) is amended to state “a judge permits” instead of “a judge orders”. Rule F22.01 has been amended to permit greater administrative flexibility to the Court when forwarding Originating Applications to Family Justice Services.

If you have any questions with respect to the above, please email the Court at supcourtinquiries@supreme.court.nl.ca (with the subject line: “Rules Question – Attn: Legal Officer”).

RAYMOND P. WHALEN
Chief Justice of the Supreme Court of
Newfoundland and Labrador, Trial Division