

THE HONOURABLE CHIEF JUSTICE
L'HONORABLE JUGE EN CHEF
MARY T. MOREAU



THE LAW COURTS
1A SIR WINSTON CHURCHILL SQUARE
EDMONTON, ALBERTA
T5J 0R2
TEL (780) 422-2293
FAX (780) 427-1721

COURT OF QUEEN'S BENCH OF ALBERTA
COUR DU BANC DE LA REINE DE L'ALBERTA

September 16, 2019

Tina Huizinga
Huizinga Di Toppa Coles & Layton
12225 105 Avenue
Edmonton AB T5N 0Y3

Dear Ms. Huizinga:

I wish to thank you and other members of the Family Bar for your engagement in the Court's family law initiatives and for your feedback on Family Practice Note (PN) 2. Our aim is to build a better family justice system through open dialogue between the Bench and the Bar through this type of feedback and our regular Family Law Town Hall meetings.

The Court uses a governance model to assist in decision-making, including procedural recommendations in each substantive area of law. Following the Family Law Refresher held in Lake Louise, the Court's Family Law Steering Committee carefully considered all of the feedback provided from the Family Bar on the amendments to Family PN 2. I am writing to share the Committee's response to your feedback.

Family PN 2 was amended to promote early resolution. From the Court's perspective, the PN 2 amendments are yielding positive results – lead times to Family Specials have been reduced to approximately 3-4 months from 6-8 months. This reduction in lead times, in turn, reduces the need for update affidavits, significant changes to concise letters, etc. The Bar is reminded to notify the Court if they have resolved any issues scheduled to be heard at a Family Law Special, which might permit the reduction of hearing time required. This will help to reduce lead times even further.

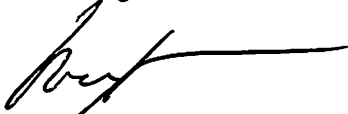
In response to the specific concerns raised with respect to judges not receiving information through the filing of a brief concise letter or following the concise letter, if parties require more time to file additional information or otherwise seek an exemption (including in relation to page limitations), they have the ability to seek a fiat in Family Law Chambers. It is common for judges to exercise their discretion to grant a fiat in exceptional circumstances or where the law or material facts have changed. Additionally, parties can seek to attach to an affidavit relevant portions of materials (as opposed to an entire document), along with the first page and signature page. If a judge requires more information from the document, the parties may be directed to provide that information. This applies to lengthy settlement agreements.

While we do not have the resources to add matters to already full Masters Chambers lists for the setting of deadlines without necessarily impacting lead times for those lists, a docket approach for setting procedural matters is presently under consideration by the Court. Under this approach, docket appearances could be used to set dates and corresponding deadlines, as you have suggested, by agreement or as directed by the Court. The Court is also contemplating the use of additional template orders and requiring Counsel to attend Court with pre-drafted Orders to avoid delays in filing Orders and to reduce the need to return to the Court to settle the minutes of Orders.

As you are aware, our Court is also collaborating with the Provincial Court and Resolution and Court Administration Services on an Alberta Family Court model which, in turn, will set new requirements/procedures in Family Law.

For all of these reasons, following a recommendation from the Family Law Steering Committee, the Court is opting not to amend Family PN 2 at this time. We will, however, continue to welcome and consider feedback from the Family Bar for improving our Court's current and future family law procedures.

Best regards,

A handwritten signature in black ink, appearing to read 'Mary T Moreau', with a long horizontal flourish extending to the right.

Mary T Moreau
Chief Justice