

**Research and Support for the  
Action Committee on Access to Justice in Civil and Family Matters**

## **Inventory of Reforms Research**

**Final Report to the Canadian Bar Law for the Future Fund**

September 2009

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## Background

### Creation of the Inventory

The *Inventory of Reforms* (<http://cfcj-fcjc.org/inventory/>) is a freely accessible, on-line database of civil justice reforms created as an information sharing resource for the Canadian civil justice community. The *Inventory* contains descriptions of reform initiatives from across the country, each described according to a standard format that includes information on the purpose, development, implementation and evaluation of the reform. The concept of the *Inventory* was first proposed to members of Canada's civil justice community at the 2006 *Into the Future* conference. Initial research funding was provided by the Canadian Judicial Council, as part of a collaboration between the Forum and the Subcommittee on Access to Justice (Trial Courts) of the Council's Administration of Justice Committee. The expansion of the *Inventory* has been made possible through research funding provided by the Canadian Bar Law for the Future Fund. This is a report on the research completed in 2009 under this grant.

The screenshot shows the 'Inventory of Reforms' website. The header is teal with the title 'Inventory of Reforms' in white. Below the header is a search section titled 'Search the Inventory'. It includes a description of the database, search filters for Title, Jurisdiction, Subject, Years, and Results per page, and a 'Search' button. Below the search filters, it displays 'Displaying 1 - 50 of 136 reforms.' and a table of results. The table has columns for Year, Title, and Jurisdiction. The results list various reform initiatives from 2009, such as 'Clicklaw' in British Columbia and 'New Brunswick Family Court Pilot Project' in New Brunswick.

**Inventory of Reforms**

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### Search the Inventory

This database contains descriptions of civil justice system reform initiatives from across Canada, each described according to a standard format that includes information on the purpose, development, implementation, and evaluation of the reform. [Read more »](#)

Title:  Jurisdiction:  Subject:

Years:  to  Results per page:

Displaying 1 - 50 of 136 reforms.  
To filter this list, please enter search criteria in the fields above.

1 2 3 >

Year	Title	Jurisdiction
2009	<a href="#">Clicklaw</a>	British Columbia
2009	<a href="#">New Brunswick Family Court Pilot Project</a>	New Brunswick
2009	<a href="#">New Brunswick Family Law Information Centre (FLIC)</a>	New Brunswick
2009	<a href="#">Nova Scotia Application in Court (Rules 5.07-5.09)</a>	Nova Scotia
2009	<a href="#">Nova Scotia Civil Rules Revision Project - Discovery and Disclosure</a>	Nova Scotia
2009	<a href="#">Nova Scotia Civil Rules Revision Project - Management of Litigation</a>	Nova Scotia
2009	<a href="#">Nova Scotia Civil Rules Revision Project - Smaller Claims</a>	Nova Scotia
2009	<a href="#">Nova Scotia Disclosure of Electronic Information (Rule 16)</a>	Nova Scotia
2009	<a href="#">Nova Scotia Expert Opinion (Rule 55)</a>	Nova Scotia
2009	<a href="#">Nova Scotia Settlement Conferences (Rule 10)</a>	Nova Scotia
2009	<a href="#">Nova Scotia Summary Judgment (Rule 13)</a>	Nova Scotia
2009	<a href="#">Prince Edward Island Settlement Negotiation Project</a>	Prince Edward Island
2009	<a href="#">Québec Community Justice Centres</a>	Quebec

The on-line *Inventory of Reforms* (<http://cfcj-fcjc.org/inventory/>)

### ***Inventory Records***

Each reform is described according to a standard format, which includes the following information:

- **Status** — Describes the current status of the reform initiative (permanently implemented, pilot project, proposed, declined, etc.)
- **Province or territory** — The province or territory in which the reform is being considered or has been implemented.
- **Court** — The level and type of the courts to which the reform applies. For example, "Court of Appeal", "Provincial Court - Civil Division ", "Unified Family Court".
- **Body Responsible** — Information on the agency through which the reform has been or would be implemented, such as the provincial government department, law society, legal aid organization, consumer group, or other body.
- **Subjects** — The general subject areas under which this reform falls.
- **Timeline** — Lists the major events in the development and implementation of the reform. Includes, where relevant, the release of the initial proposal, the commencement of any pilot projects, and the date of formal implementation.
- **Publications** — Identifies publications relevant to the reform including legislation, rules of court, proposals, evaluations, and any other significant sources of information.
- **Development of reform** — Describes the process of development for the reform proposal and steps involved in its approval and implementation.
- **Purpose** — Describes the situation or problem that the reform seeks to improve.
- **Description of changes** — Describes the specific changes that the reform involves; the actual content of the reform itself.
- **Criteria and methods of evaluation** — Describes the criteria developed to evaluate the success of the reform and the methods in place to determine whether the reform meets those criteria.
- **Results** — If the reform has been studied and evaluated according to criteria as above, describes the results of that analysis and whether the reform has been successful in achieving its stated purposes.
- **Related reforms** — Identifies any related reforms, including reforms that served as models, reforms for which this reform served as a model, associated reforms in a broader package of reforms, and procedures that this reform reversed.

The screenshot shows a website titled "Inventory of Reforms" with a search bar and a navigation menu on the left. The main content area displays details for the "BC Civil Chambers Pro Bono Duty Counsel Project".

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**Inventory of Reforms**

← Search

**BC Civil Chambers Pro Bono Duty Counsel Project**

*Status* Ongoing Pilot

*Jurisdiction* British Columbia

*Body responsible* Pro Bono Law of BC

*Subjects*

- Courts of appeal
- Legal Advice
- Legal Information
- Pilot projects
- Point-of-entry assistance
- Provincial courts
- Self-Represented Litigants

*Timeline*

January 2008	Project launched
July 2008	Mid-Term Report released

*Publications*

- [Civil Chambers Pro Bono Duty Counsel Project Mid-Term Report To Funders](#) (Pro Bono Law of BC: July 11, 2008). [*Mid-Term Report*]
- [BCCA Civil Chambers Pro Bono Duty Counsel Project: Duty Counsel Handbook](#) (Pro Bono Law of BC: March, 2009). [*Handbook*]

*Development*

The Civil Chambers Pro Bono Duty Counsel Project ("Project") was launched by Pro Bono Law of BC on January 16, 2008 as a one-year pilot project operating out of the courthouse at 800 Smithe Street in Vancouver. It is funded by the Vancouver Foundation, the Notary Foundation of British Columbia and the British Columbia Ministry of the Attorney General.

*Purpose*

[T]o increase access to justice by providing pro bono legal assistance and representation to low- and modest-income individuals who would otherwise not appear or appear unrepresented in civil chambers at the Vancouver locations of the British Columbia Supreme Court and the British Columbia Court of Appeal.

Mid-Term Report at 1

An on-line Inventory of Reforms record.

### Present Research

In September 2008, the Chief Justice of Canada, the Rt. Hon. Beverley McLachlin, invited a group of representatives from the judiciary, the Bar, provincial governments and others to establish an Action Committee on Access to Justice in Civil and Family Matters. The Committee is focusing its attention on the cost of access to justice, and it has endorsed the *Inventory of Reforms* as an important resource to collect and share information on reform initiatives in this area. The Canadian Bar Law for the Future Fund provided project funding which allowed the Forum to conduct research to expand the *Inventory* by hiring a researcher over the summer of 2009. This research resulted in the addition of 68 new records between May and September 2009.<sup>1</sup> These records can be accessed on the Forum website at <http://cfcj-fcjc.org/inventory/>.

<sup>1</sup> See Appendix A for a list of new records, and Appendix B for a list of updated records.

Included in this report are descriptions of the new *Inventory* records covering reforms from across the country. In addition, 45 pre-existing records have been updated to capture the latest developments in civil justice reform.

We will continue to add and update records in the Inventory to capture further developments in civil justice reform with the time remaining on the project in the fall of 2009.

## **A. Improving the Public Understanding**

### ***Legal Information Lines***

#### Scope

Legal information lines are free, province-wide Legal Aid programs that provide legal information and referrals to all callers. They are generally staffed by volunteer students and paid individuals such as paralegals, depending on the organization running the service. They are a useful resource, particularly for individuals living in rural communities.

<b>Year</b>	<b>Name</b>	<b>Province</b>
1975	Manitoba Law Phone-In Program and Lawyer Referral Program	Manitoba
1985	Prince Edward Island Inquiry Line	Prince Edward Island

## **B. Advice & Representation**

### ***Legal Advice Lines***

#### Scope

Some legal lines, in addition to providing information and referrals, also provide legal advice to eligible callers, although this is a relatively rare service in Canada.

#### Trends

There are two legal advice lines in Canada: Alberta Law Line, which was established in 2004, and LawLINE in British Columbia, which has offered legal advice since 2003. In 2009, the Legal Services Society in British Columbia had to make operational and staffing changes to many of its programs, including LawLINE. Although for now, LawLINE advice services will continue to be funded until at least March 31, 2010, there have been staff reductions and, as of April 6, 2009, the scope of coverage was significantly narrowed. Alberta Law Line is continuing to operate unchanged.

Year	Name	Province
2004	Alberta Law Line	Alberta
2002	BC LawLINE	British Columbia

### ***Legal Information Centres and Clinics***

#### Scope

In recent years, the growing prevalence of SRLs has created a need for point-of-entry assistance and self-help services to assist litigants who are proceeding without representation. Legal information clinics and centres are designed to enable individuals to obtain help with their legal issues.

#### Trends

In Alberta, Saskatchewan and Québec, *Pro Bono* Law organizations (“PBL”) were created in 2007, 2008 and 2009, respectively, to administer and oversee a number of *pro bono* legal programs and facilitate the *pro bono* legal clinics in the province. Previously unconnected legal clinics located in cities throughout the provinces are now within the umbrella of the respective PBL. Each PBL works with existing *pro bono* legal clinics to assist them in providing *pro bono* services and fosters the development of new *pro bono* programs where needed. This change significantly improves access to justice in the province. *Pro Bono* organizations also exist in Ontario and BC.

The Telejustice Project is an innovative initiative to improve access to justice for the Nishnawbe Aski Nations communities in rural and remote areas of Ontario. The project is staffed with volunteer lawyers who offer advice and information through a web-based interface and a legal advice newspaper column, with plans to extend services offered through online chat room style forum, web- and video-conferencing and web-casts.

Legal Information Centres continue to be created and expanded throughout Canada. In 2005, Family Law Information Centres (FLICs) were opened at the Family Courts in Sydney and Halifax, Nova Scotia to offer free legal information and occasional sessions related to family law issues. In 2007, the Law Help Ontario Centre was launched to assist unrepresented litigants appearing before Superior Court with civil issues. In addition to legal information and help filling out forms, Law Help Ontario, unlike the Nova Scotia FLICs, offers summary legal advice and legal representation. The latest proposed centres under consideration are the Family Law Information Centre in New Brunswick, the Law Courts Information Centre in Prince Edward Island and the Québec Community Justice Centres.

<b>Year</b>	<b>Name</b>	<b>Province</b>
2007	Pro Bono Law Alberta Legal Clinics	Alberta
2009	New Brunswick Family Law Information Centre (FLIC)	New Brunswick
2005	Nova Scotia Family Law Information Centres (FLICs)	Nova Scotia
2003	Nova Scotia Summary Advice Counsel (SAC)	Nova Scotia
2007	Law Help Ontario Centre	Ontario
2005	The Telejustice Project	Ontario
2007	Prince Edward Island Proposed Law Courts Information Centre	Prince Edward Island
2009	Québec Community Justice Centres	Québec
2009	Pro Bono Québec	Québec
2008	Pro Bono Law Saskatchewan Clinic Program	Saskatchewan

### ***Duty Counsel for Civil and Family Matters***

#### Scope

These programs provide limited representation assistance to unrepresented litigants appearing in court, including in chambers and at trial. Most legal aid programs are responsible for providing duty counsel in criminal court. Some jurisdictions have expanded this service to include civil and family matters, and such programs have been well received.

#### Trends

The most recent *pro bono* duty counsel project was launched at the BC Civil Chambers in 2008 offering legal assistance and representation to low/modest-income litigants on civil issues one day a week. The project has been a resounding success thus far, exceeding the initial expectations.

In Ontario, a Pro Bono Duty Counsel Pilot Project was launched at the Small Claims Court in 2006. The program provides legal information services, legal advice and representation. An evaluation of the project concluded that “the court-based, self help service model is efficient and effective” and has had “a significant impact on improved service for these people as well as on the overall administration of justice”.

<b>Year</b>	<b>Name</b>	<b>Province</b>
2008	BC Civil Chambers Pro Bono Duty Counsel Project	British Columbia
2002	BC Enhanced Family Duty Counsel Project	British Columbia
2002	BC Family Duty Counsel Project	British Columbia
2005	Ontario Small Claims Court Pro Bono Duty Counsel Pilot Project	Ontario

### **C. Changes to the system/procedure to improve public access**

Reforms in this category include simplifying rules of court, the creation of plain language rules and forms, and reforms which limit procedure to that which is proportional to the issue at stake. While we have not focussed specifically on identifying new reforms in these areas in the current research phase, several existing records have been updated to capture new developments (see Appendix B).

### **D. Creating a multi-option justice system**

#### ***Early and post-discovery, non-binding dispute resolution***

##### Scope

The first recommendation of the Canadian Bar Association's Systems of Civil Justice Task Force<sup>2</sup> was that jurisdictions should provide litigants with opportunities to engage in non-binding dispute resolution processes as early as possible in the litigation process, and that litigants be required to certify either that they have participated in a non-binding dispute resolution process or that participation is not warranted. Several jurisdictions have implemented reforms in this regard.

##### Trends

In New Brunswick, the Justice and Consumer Affairs Minister announced on June 2, 2009 the planned implementation of the Family Court Pilot Project in the Fall of 2009. The project will advance the expanded use of alternatives to family courts to resolve family law issues, including triage informational sessions, mediations, case conferences and settlement conferences.

A Family Justice Service Division (FJSD) was established in Newfoundland and Labrador in 2007 to provide province-wide services at the initial stages of litigation in family law matters involving custody, access and support issues which include mandatory parent information sessions, mediation and counselling. This is a marked departure from the adversarial court process previously used for these matters.

In Prince Edward Island, a Settlement Negotiation Project was introduced in April 2009, to provide unrepresented family law litigants with the opportunity to work through a time-limited collaborative law process to resolve the issues in dispute. Referrals come in through case management and from the family law centre.

The High Conflict Case Conference and Mediation Project was launched in Saskatoon in 2008 to help high-conflict families resolve parenting issues with the

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<sup>2</sup> *Systems of Civil Justice Task Force Report* (Canadian Bar Association, 1996) online: [http://www.cba.org/cba/pubs/pdf/systemscivil\\_tfreport.pdf](http://www.cba.org/cba/pubs/pdf/systemscivil_tfreport.pdf).

assistance of a Queen's Bench Judge and a mediator. The Court determines which cases should be referred to the Project based on various factors.

In British Columbia, the Notice to Mediate (Family) Pilot Project, initiated in Nanaimo in 2007, was expanded to Victoria, Duncan, Vancouver and New Westminster in 2008-2009. The project enables any party to a family proceeding in designated registries of the Supreme Court to require the other parties to attend a single mediation session.

In a non-family civil litigation context, a variety of provincial programs assist litigants in resolving their claims. Under the Ontario Mandatory Mediation Program, initiated in Toronto and Ottawa in 1999 and expanded to Windsor in 2002, cases subject to case management are referred to a mediation session early in the litigation process. The program has had a demonstrated positive impact on the pace, costs and outcomes of litigation. A consultation process is currently underway for the 2008 proposal to alter the mandatory mediation rule to allow mandatory mediation in cases without also requiring those cases to be subject to case management, and vice versa.

In Alberta, the Civil Mediation Program (CMP), a pilot project at the Court of Queen's Bench, has been highly successful in resolving cases since 2005 in Lethbridge and Edmonton. At least three-quarters of cases fully settle at mediation. CMP is available to self-represented litigants and part of the mediation fees under CMP are subsidized by the government for low-income individuals.

Settlement conferences are used by a number of courts to assist parties in resolving their cases at an early stage, to alleviate expense and to expedite the final resolution of the disputes. In Nova Scotia, as of January 2009, parties may choose between two different types of voluntary settlement conference: ordinary and trial-like. In both cases, the judge expresses opinions on the issues in dispute, but in the latter counsel may also question witnesses. In the Yukon, since 2007, a judge may order attendance at a settlement conference upon request of a party or on his or her own motion.

Dispute resolution programs have also been developed at the appellate courts. The Court of Appeal of Québec Mediation Service Program, in operation since 1998, is offered at no cost to parties involved in civil, commercial or family litigation with judges acting as mediators. Even if settlement is not reached, the mediation sessions have been seen as beneficial in that they lead to efficient case management by allowing the parties to better understand and narrow the issues, thus reducing the hearing time required. In British Columbia, the Court of Appeal Settlement Conference Program provides an interest-based process to assist parties in resolving appeals at an early stage in order to minimize parties' expenses and to expedite the final resolution of the dispute.

<b>Year</b>	<b>Name</b>	<b>Province</b>
2005	Court of Queen's Bench of Alberta Civil Mediation Program	Alberta
2007	BC Family Justice Reform – Notice to Mediate (Family) Pilot Project	British Columbia
2004	BC Family Mediation Practicum Project	British Columbia
2004	BC Court of Appeal Settlement Conference Program	British Columbia
2009	New Brunswick Family Court Pilot Project	New Brunswick
2007	Newfoundland and Labrador Family Justice Service Division (FJSD)	Newfoundland and Labrador
2003	Newfoundland and Labrador Court Ordered Mediation (Rule 37A)	Newfoundland and Labrador
2009	Nova Scotia Settlement Conferences (Rule 10)	Nova Scotia
1999	Ontario Mandatory Mediation Program (Rules 24.1 and 75.1)	Ontario
2009	Prince Edward Island Settlement Negotiation Project	Prince Edward Island
1998	Court of Appeal of Québec Mediation Service Program	Quebec
2008	Saskatchewan High Conflict Case Conference and Mediation Project	Saskatchewan
2007	Yukon Judicial Settlement Conference (Rule 37)	Yukon

## **E. Reducing delay through Court Supervision of the Progress of Cases**

### ***Caseflow management***

#### Scope

The focus of caseflow management is on the systematic management process by which a court supervises the progress of its cases from beginning to end. This may include early court intervention in the definition of issues, fixing deadlines and assessing the complexity and value of a case.

#### Trends

Under the Yukon Rules of Court adopted in 2008, parties in cases other than family law proceedings, estate matters, collections, foreclosures and adoptions are required to attend at a case management conference following which the judge may make a number of orders and directions from timelines and schedules to attendance at alternative dispute resolution processes. Under a different direction, parties in all family law proceedings are also required to attend at a case management conference following which the judge may make similar orders and directions.

A consultation process is underway in Ontario pursuant to the 2008 proposal to combine the three currently existing case management rules into one rule flexible enough to permit different regions to adapt the case management process to fit

their individual needs. The new rule will allow for different levels of case management as appropriate for each case.

Year	Name	Province
2007	BC Fast Track Litigation Proceedings (Part 15)	British Columbia
2001	BC Streamlined Chambers Process (Rule 51A)	British Columbia
2006	Ontario Case Management (Proposed New Rule 77)	Ontario
2008	Yukon Case Management Conference (Rule 36)	Yukon
2007	Yukon Family Law Case Conferences (Practice Direction 40)	Yukon

## F. Reducing Costs and Increasing Access

### ***Small Claims Courts***

#### Scope

Small Claims Courts improve access to justice by allowing ordinary citizens as well as businesses to resolve legal disputes quickly and less expensively through a simple, fair and efficient process.

#### Trends

There have been a number of reforms to small claims courts recently. Many jurisdictions have increased the permissible monetary limits in small claims actions. For example, Nova Scotia, British Columbia, the Yukon and Alberta have all increased their small claims monetary limits to \$25,000.

Some jurisdictions have started to incorporate mediation and case management into the small claims procedure. In Nunavut, for example, all cases of the recently created Small Claims Court are required to proceed to mediation prior to trial.

The Provincial Court Civil Claims Mediation Program in Alberta reviews all small claims court cases to determine whether mediation would be useful. For the cases selected, mediation is mandatory. It is also possible for one of the parties to litigation to request mediation for their case.

In the Yukon, mediation for small claims is not mandatory but is highly encouraged. Over the years, the process has evolved so that mediation can actually take place as part of the pre-trial conference rather than having to adjourn the process to a later date in order for mediation to occur.

Parties to all cases of the Small Claims Court of Newfoundland and Labrador are required to attend a settlement conference prior to trial to facilitate just, speedy and inexpensive resolution of the claim. Parties may also attend a voluntary mediation session through the Mediation Pilot Project. The Project incorporates interest-based mediation into the small claims process while giving articling

students the opportunity to be directly involved in the litigation process by acting as mediators.

In British Columbia, a small claims court pilot project was launched in 2007 at Robson Square in Vancouver and in Richmond streamlining the process for all civil cases through the use of summary trials, simplified trials, mediation sessions and trial conferences, and the elimination of pre-trial hearings. In all other registries, settlement conferences have been mandatory since 1993, and the Court Mediation Program has been available in Robson Square (prior to the pilot project), Nanaimo, Surrey, North Vancouver and Victoria since 1998.

In Saskatchewan, since 2006, all small claims court cases are subject to a pre-trial case management conference for the purpose of settling the litigation or narrowing the issues and resolving procedural matters.

Year	Name	Province
1998	Alberta Provincial Court Civil Claims Mediation	Alberta
1991	BC Small Claims Court Reforms	British Columbia
2007	BC Small Claims Court Pilot Project	British Columbia
1998	BC Small Claims Court Mediation Program (Rule 7.2)	British Columbia
1993	BC Small Claims Court Settlement Conference (Rule 7)	British Columbia
1988	Manitoba Small Claims Court	Manitoba
1999	New Brunswick Small Claims Court	New Brunswick
1999	NL Mediation Pilot Project in Small Claims Court	Newfoundland and Labrador
1979	NL Small Claims Court	Newfoundland and Labrador
1980	Nova Scotia Small Claims Court	Nova Scotia
2007	Nunavut Small Claims Court	Nunavut
2007	Nunavut Small Claims Court Mandatory Mediation (Aqqusiurniq)	Nunavut
1990	Ontario Small Claims Court	Ontario
2006	Saskatchewan Small Claims Court – Case Management Conference	Saskatchewan
1997	Saskatchewan Small Claims Court	Saskatchewan
1995	Yukon Small Claims Court	Yukon

### ***Disclosure and Discovery***

#### Trends

The new 2009 *Civil Procedure Rules* in Nova Scotia introduced Rule 16, governing disclosure of electronic information based on the Sedona Principles. The first such rule in Canada, it creates a comprehensive process for preserving, sorting, and disclosing electronic information in litigation. It is predicted to effect enormous changes in the litigation process.

Year	Name	Province
2009	Nova Scotia Disclosure of Electronic Information (Rule 16)	Nova Scotia

### ***Summary Trials***

#### Scope

Summary trials are short, limited-process trials that can be used to quickly determine a particular issue or an entire suit. Evidence can be introduced in affidavit form, by an answer to interrogatories, by evidence taken on examination for discovery or by formal admission. On or before the hearing, the court may make orders fixing dates for delivery of evidence, time and manner of cross-examination and filing of briefs. The court will grant judgement unless it is unable to ascertain the facts necessary or relevant to make such a determination.

Summary trial procedures should not be confused with expedited or simplified proceedings or with fast track caseload management, which limit and expedite pre-trial steps. In summary trials, the trial itself is limited. They are also distinct from summary judgments, which are granted upon an application for final judgment without a trial if it can be shown that there is no genuine issue to be tried. (In some jurisdictions, the rules allow the judge to conduct a summary trial where the interests of justice require a brief trial to dispose of the summary judgment motion.)

#### Trends

A unique, expedited form of summary trial has been recently created in Nova Scotia by the 2009 *Civil Procedure Rules* – an application in court. This new original proceeding allows for a broad range of disclosure and substantial disputes of fact, if they can be resolved in a summary way.

In Saskatchewan, the summary trial option is no longer available. It was removed as part of the 2008 amendments to the rules. A party may now apply only for a summary judgment and a judge may no longer order a summary trial.

Ontario's Rule 20 governing summary judgments has been revised to allow for mini-trials as of January 2010. The judge may now order a hearing of oral evidence on a motion for summary judgment where the interests of justice require a brief trial to dispose of the summary judgment motion.

The Federal Courts Rules Committee has drafted an amendment modifying the current rules governing motions for summary judgment and introducing a summary trial procedure. The proposed changes are premised on Rule 18A of the *BC Rules of Civil Procedure*. The proposed amendment was introduced due to concerns that the current judicial interpretation of the existing summary judgment rule does not permit sufficient flexibility to manage the Court's caseload

efficiently and to provide for the expedited disposition of cases that do not require a full trial.

<b>Year</b>	<b>Name</b>	<b>Province</b>
2006	Federal Court Rules – Summary Judgment and Summary Trial (Rules 213 to 219)	Federal
1998	Alberta Summary Trial Rules	Alberta
1983	BC Summary Trial (Rule 18A)	British Columbia
1989	Manitoba Summary Judgment and Expedited Trial (Rule 20)	Manitoba
2009	Nova Scotia Application in Court (Rules 5.07-5.09)	Nova Scotia
2007	Ontario Summary Judgment (Rule 20)	Ontario

### ***Summary Judgments***

#### Scope

Summary judgments are granted upon an application for final judgment without a trial if it can be shown that there is no genuine issue to be tried. Summary judgment rules exist in most jurisdictions, and are frequently used in some courts.

#### Trends

A new rule governing summary judgment was introduced in Nova Scotia in 2009, premised in part on the Ontario Summary Judgment Rule 20. Summary judgment has become “summary judgment on evidence” and has been expanded to include determination of questions of law. The “no arguable issue” test is now articulated as the “no genuine issue for trial” test, although the standard remains the same. A new type of summary judgment called “summary judgment on pleadings” has been created for cases where the pleadings disclose no cause of action or defence, or is otherwise “clearly unsustainable.”

In Ontario, in addition to mini-trials discussed above, the revised Rule 20 expands the Court’s powers on the motion to permit a judge to weigh evidence, evaluate the credibility of a deponent and draw any reasonable inference from the evidence.

<b>Year</b>	<b>Name</b>	<b>Province</b>
2008	Alberta Summary Judgment Rules	Alberta
1989	Manitoba Summary Judgment and Expedited Trial (Rule 20)	Manitoba
2009	Nova Scotia Summary Judgment (Rule 13)	Nova Scotia
2007	Ontario Summary Judgment (Rule 20)	Ontario

## **G. Technology and management information systems**

### ***E-filing***

#### Scope

Several courts are moving to an e-filing system, allowing or requiring documents to be submitted electronically.

#### Trends

In British Columbia, e-filing was first piloted in 2005. As of December 2008, registered users can e-file to all Provincial and Supreme Court locations in the province. At the Federal Court, the Electronic Filing Service, also launched in 2005, was expanded in November 2008 to include the remainder of the Court's jurisdiction.

A project to implement an electronic filing system in the Law Courts of Newfoundland and Labrador was initiated in April 2006 as a joint initiative of the Law Courts and the Office of the Chief Information Officer. The anticipated completion date of the Implementation Stage, which involves the development and deployment of the pilot system, is mid-September, 2009. The initial pilot will be implemented at the Small Claims in the Provincial Court and the Probate and Administration in the Supreme Court.

<b>Year</b>	<b>Name</b>	<b>Province</b>
2006	Federal Electronic Filing Service	Federal
2005	BC Court Services Online (Electronic Filing)	British Columbia
2006	NL Electronic Filing	Newfoundland and Labrador

### ***Centralized Scheduling and Case Management Information Systems***

#### Scope

The Courts have been modernizing systems and taking advantage of technology to ensure that they remain responsive to the needs of litigants. Centralized scheduling systems streamline the Court's operations. Automated case management systems allow court staff to store and manage information about each proceeding. These systems have the potential for increasing the efficiency of court administration, and also have the potential to allow access to court records on-line.

#### Trends

In British Columbia, several systems have been developed to modernize and simplify the operation of the Courts. The Supreme Court Scheduling System (SCSS) was launched in July 2004 in order to streamline the assignment of judges and masters and scheduling of matters before the Court. Prior to SCSS, each location managed the hearings independently through a manual system

composed of paper diaries and Word documents. An older DOS based system was used in the higher volume locations of Vancouver and New Westminster. SCSS has greatly improved the way in which cases are scheduled within the province, significantly reducing the number of scheduled trials that have been bumped.

WebCATS, a web-based case-tracking and case-management system, was implemented at the BC Court of Appeal in 2004. It replaced the previously existing DOS-based system, CATS (Court of Appeal Tracking System), which had been used for 20 years for scheduling, rota, and case-tracking functions. This system has streamlined the operations of the Court, increasing its efficiency.

WebCATS has a statistical component, which can be used to create year-to-date reports as well as comparison reports with the previous year's information for the same period. This can be used to assess information such as whether the number of self-represented litigants before the Court has increased over the years, and, if so, in which types of cases (e.g. family, etc.).

In Ontario, a case tracking system (FRANK) was developed to address management information and operational needs of Ontario's courts and to provide extensive data about case processing. FRANK allows statistical data about court activity to be extracted electronically for the purpose of reporting. This has replaced the manual collection of data previously in place. Electronic case tracking also permits continuous monitoring of case volumes, case flow and dispositions. There are plans to add document management functionality to FRANK in the future, which will permit electronic filing of documents in the civil justice system.

<b>Year</b>	<b>Name</b>	<b>Province</b>
2004	BC Supreme Court Scheduling System (SCSS)	British Columbia
2004	BC Court of Appeal Case Tracking and Management System (WebCATS)	British Columbia
2004	Ontario Court Case Tracking System (FRANK)	Ontario

## **Conclusion**

With the Law for the Future Fund research, the *Inventory* has doubled in size. As the collection of reform initiatives grows, it becomes an increasingly valuable tool for the members of the civil justice community seeking information on what is being done across the country, and how those efforts are faring.

As the *Inventory* grows, so too does the task of maintaining the currency of the data. The *Inventory* was conceived of as an ever-changing resource, reflecting the continual process of reform. The database and web application were designed with administrative tools to facilitate this ongoing process of adding and updating, but it remains a substantial and growing challenge.

While the *Inventory* coverage of civil justice reform in Canada is substantial, it is not complete. Potential areas for further research include reforms regarding public legal education programs and materials, unbundling of legal services and paralegal regulation.

The Forum is committed to ensuring that the resource continues to serve the information needs of the justice community. To help users better navigate the increasing wealth of information, improvements to the user interface are under development, including a searchable thesaurus of civil justice terminology. Additionally, the Forum plans to continue its work to ensure that the *Inventory* reaches its target audience by liaising with key contacts in government, the judiciary, the legal profession, PLEI providers and law libraries. These collaborative partnerships will help ensure that the research reaches those who can most benefit from it, as well as allowing us to ensure that each jurisdiction's efforts to improve access to justice are fully captured.

## Appendix A: New Records

Year	Name	Province
2008	Alberta Summary Judgment Rules	Alberta
2007	Pro Bono Law Alberta Legal Clinics	Alberta
2005	Court of Queen's Bench of Alberta Civil Mediation Program	Alberta
2004	Alberta Law Line	Alberta
1998	Alberta Provincial Court Civil Claims Mediation	Alberta
1998	Alberta Summary Trial Rules	Alberta
2008	BC Civil Chambers Pro Bono Duty Counsel Project	British Columbia
2007	BC Family Justice Reform - Notice to Mediate (Family) Pilot Project	British Columbia
2007	BC Small Claims Court Pilot Project	British Columbia
2007	BC Fast Track Litigation Proceedings (Part 15)	British Columbia
2004	BC Supreme Court Scheduling System (SCSS)	British Columbia
2004	BC Court of Appeal Case Tracking and Management System (WebCATS)	British Columbia
2004	BC Family Mediation Practicum Project	British Columbia
2004	BC Court of Appeal Settlement Conference Program	British Columbia
2002	BC Enhanced Family Duty Counsel Project	British Columbia
2002	BC Family Duty Counsel Project	British Columbia
2002	BC LawLINE	British Columbia
2001	BC Streamlined Chambers Process (Rule 51A)	British Columbia
1991	BC Small Claims Court Reforms	British Columbia
1998	BC Small Claims Court Mediation Program (Rule 7.2)	British Columbia
1993	BC Small Claims Court Settlement Conference (Rule 7)	British Columbia
1983	BC Summary Trial (Rule 18A)	British Columbia
2006	Federal Court Rules - Summary Judgment and Summary Trial (Rules 213 to 219)	Federal
2006	Federal Electronic Filing Service	Federal
1989	Manitoba Summary Judgment and Expedited Trial (Rule 20)	Manitoba
1988	Manitoba Small Claims Court	Manitoba
1975	Manitoba Law Phone-In Program and Lawyer Referral Program	Manitoba
2009	New Brunswick Family Law Information Centre (FLIC)	New Brunswick
2009	New Brunswick Family Court Pilot Project	New Brunswick
2006	New Brunswick Simplified Procedure (Rule 79)	New Brunswick
1999	New Brunswick Small Claims Court	New Brunswick
2007	Newfoundland and Labrador Family Justice Service Division (FJSD)	Newfoundland and Labrador
2006	Newfoundland and Labrador Electronic Filing	Newfoundland

<b>Year</b>	<b>Name</b>	<b>Province</b>
		and Labrador
2003	Newfoundland and Labrador Court Ordered Mediation (Rule 37A)	Newfoundland and Labrador
1999	Newfoundland and Labrador Mediation Pilot Project in Small Claims Court	Newfoundland and Labrador
1979	Newfoundland and Labrador Small Claims Court	Newfoundland and Labrador
2009	Nova Scotia Disclosure of Electronic Information (Rule 16)	Nova Scotia
2009	Nova Scotia Settlement Conferences (Rule 10)	Nova Scotia
2009	Nova Scotia Summary Judgment (Rule 13)	Nova Scotia
2009	Nova Scotia Application in Court (Rules 5.07-5.09)	Nova Scotia
2005	Nova Scotia Family Law Information Centres (FLICs)	Nova Scotia
2003	Nova Scotia Summary Advice Counsel (SAC)	Nova Scotia
1980	Nova Scotia Small Claims Court	Nova Scotia
2007	Nunavut Small Claims Court Mandatory Mediation (Aqqusiurniq)	Nunavut
2007	Nunavut Small Claims Court	Nunavut
2007	Ontario Summary Judgment (Rule 20)	Ontario
2007	Law Help Ontario Centre	Ontario
2006	Ontario Case Management (Proposed New Rule 77)	Ontario
2005	The Telejustice Project	Ontario
2005	Ontario Small Claims Court Pro Bono Duty Counsel Pilot Project	Ontario
2004	Ontario Court Case Tracking System (FRANK)	Ontario
1999	Ontario Mandatory Mediation Program (Rules 24.1 and 75.1)	Ontario
1990	Ontario Small Claims Court	Ontario
2009	Prince Edward Island Settlement Negotiation Project	Prince Edward Island
2007	Prince Edward Island Proposed Law Courts Information Centre / Study on Self Represented Litigants	Prince Edward Island
2001	Prince Edward Island Task Force on Access to Justice	Prince Edward Island
1985	Prince Edward Island Inquiry Line	Prince Edward Island
2009	Pro Bono Québec	Québec
2009	Québec Community Justice Centres	Québec
1998	Court of Appeal of Québec Mediation Service Program	Quebec
2008	Saskatchewan High Conflict Case Conference and Mediation Project	Saskatchewan

<b>Year</b>	<b>Name</b>	<b>Province</b>
2008	Pro Bono Law Saskatchewan Clinic Program	Saskatchewan
2006	Saskatchewan Small Claims Court - Case Management Conference	Saskatchewan
1997	Saskatchewan Small Claims Court	Saskatchewan
2008	Yukon Case Management Conference (Rule 36)	Yukon
2007	Yukon Judicial Settlement Conference (Rule 37)	Yukon
2007	Yukon Family Law Case Conferences (Practice Direction 40)	Yukon
1995	Yukon Small Claims Court	Yukon

## Appendix B: Updated Records

Year	Name	Province
2007	Alberta Law Information Centres (LInCs)	Alberta
2007	Alberta Rules of Court Project - Managing Litigation (Part 4)	Alberta
2007	Alberta Rules of Court Project - Expert Evidence	Alberta
2004	Alberta Class Proceedings Act	Alberta
1950	Alberta Family Court Counsellors	Alberta
2008	BC Justice Access Centre Pilot Project	British Columbia
2007	BC Justice Review Task Force - Experts	British Columbia
2007	BC Justice Review Task Force - Limiting Discovery	British Columbia
2007	BC Justice Review Task Force - Case Plan Orders	British Columbia
2005	BC Expedited Litigation Project (Rule 68)	British Columbia
2005	BC Court Services Online (Electronic Filing)	British Columbia
1998	BC Fast Track Litigation (Rule 66)	British Columbia
1998	BC Family Justice Registry (Rule 5)	British Columbia
2006	Federal Court Rules - Expert Evidence	Federal
1998	Federal Court Rules - Case Management and Dispute Resolution Services (Part 9)	Federal
1998	Federal Court Rules - Simplified Actions (Rules 292 - 299)	Federal
1993	Tax Court Status Hearings (Rule 125)	Federal
1996	Manitoba Expedited Actions (Rule 20A)	Manitoba
1996	Manitoba Case Management of Family Matters (Rule 70)	Manitoba
1984	Manitoba Justice Child and Family Services Division: Family Conciliation	Manitoba
2007	Newfoundland and Labrador Unified Family Court Services - Intake Services	Newfoundland and Labrador
2005	Newfoundland and Labrador Case Management (Rule 18A)	Newfoundland and Labrador
1996	Northwest Territories Case Management (Part 19)	Northwest Territories
2009	Nova Scotia Civil Rules Revision Project - Discovery and Disclosure	Nova Scotia
2009	Nova Scotia Civil Rules Revision Project - Management of Litigation	Nova Scotia
2009	Nova Scotia Civil Rules Revision Project - Smaller Claims	Nova Scotia
2009	Nova Scotia Civil Rules Revision Project – Evidence	Nova Scotia
2005	Nova Scotia Civil Rules Revision Project	Nova Scotia
2001	Family Mediation Services Program (Nunavut Pathfinder Project - Inuusirmut Aqqusiuqtiit)	Nunavut

<b>Year</b>	<b>Name</b>	<b>Province</b>
2007	Law Help Ontario Centre	Ontario
2007	Ontario Civil Justice Reform Project	Ontario
2007	Ontario Courts Webcasting - Cameras in the Court of Appeal Pilot Project (CCAPP)	Ontario
2005	Toronto Case Management (Rule 78)	Ontario
1999	Legal Aid Ontario Family Law Expanded Duty Counsel	Ontario
1999	Ontario Family Law Information Centres	Ontario
1997	Ontario Case Management (Rule 77)	Ontario
1996	Ontario Simplified Procedure (Rule 76)	Ontario
1998	Prince Edward Island Simplified Procedure (Rule 75.1)	Prince Edward Island
1997	Prince Edward Island Case Management	Prince Edward Island
2008	Saskatchewan Simplified Procedure (Part 40)	Saskatchewan
2006	Saskatchewan Small Claims Court - Case Management Conference	Saskatchewan
2002	Saskatchewan Family Law Information Centre and Support Variation Project	Saskatchewan
1995	Saskatchewan Queen's Bench Mandatory Mediation	Saskatchewan
2007	Yukon Family Law Information Centre	Yukon