



ONLINE CONFIRMATION OF MOTIONS AND SUBMISSIONS OF DRAFT ORDERS

Notice to the Parties and the Profession

October 1, 2009

This notice to parties and to the legal profession introduces two pilot projects. The first initiative involves the online confirmation of motions to be heard at General Sittings by way of a form found on the website of the Federal Court. The second project establishes a mechanism which allows parties to submit electronic draft orders to the Court. These initiatives are intended to promote the efficient use of judicial and Registry resources.

1. Confirmation of motions

When a motion on notice is scheduled to be heard at General Sittings, the moving party will now be expected, after consultation with the other parties, to advise the Registry whether or not the hearing will proceed, whether it is contested or not, and which issues still require adjudication by the Court (the "confirmation information"). This confirmation information is to be provided electronically by going to the Federal Court website at: http://www.fct-cf.gc.ca/docom/do/docom/comAdd.htm?language=en_CA&_fllid=com-flow.

The time delay for providing the confirmation information to the Registry depends on whether the motion is presented at General Sittings for the first time or has been adjourned from one General Sittings to a later General Sittings.

Where a motion is made returnable at General Sittings for the first time, the confirmation information should be received in the Registry by noon one clear day before the scheduled hearing date.

Where a motion that was set down for hearing at a General Sittings has been adjourned to a subsequent General Sittings of the Court, the confirmation information should be received in the Registry by noon three clear days before the new hearing date.

In the case of a motion which has been previously adjourned, the task of the judge or prothonotary hearing the matter on the merits would be facilitated if the responding record was filed two clear days prior to the hearing date.

A copy of the moving party's communication to the Registry must be sent to all other parties without delay. If the confirmation information communicated to the Court changes, the moving party shall advise the Registry immediately at: http://www.fct-cf.gc.ca/docom/do/docom/comAdd.htm?language=en_CA&_fllid=com-flow. The moving party shall notify the other parties of the change without delay.

Where possible, motion records should be filed at the local office in which the motion is to be heard.

Parties are reminded that where a proceeding is specially managed, all motions are to be brought before the case management judge pursuant to Rule 385(1) of the Federal Courts Rules.

2. Draft orders

Parties may be directed by the Court to provide electronic draft orders to the Registry. As of the date of this notice, draft orders may be provided by way of the Federal Court website at: http://www.fct-cf.gc.ca/docom/do/docom/doAdd.htm?language=en_CA&_fllid=do-flow.

A draft order, submitted electronically, should be directed to the local office at which the proceeding is scheduled to be, or has been, heard.

Only draft orders may be submitted using this online tool. No other document sent via this online tool will be received or filed by the Registry.

The cooperation of practitioners in adopting these best practices is acknowledged in advance.

Allan Lutfy

Chief Justice