

# PRACTICE DIRECTION/NOTICE

## COURT OF QUEEN'S BENCH OF MANITOBA

### RE: NEW FAMILY DIVISION CASE FLOW MODEL

To best accommodate the implementation of, and transition to, the new Family Division Case Flow Model, I can advise as follows:

- The implementation date of the new FD Case Flow Model will be **February 1, 2019**.
- While the new Rules associated with the new FD Case Flow Model will contain provisions addressing transition as of or following February 1, 2019, even earlier transition steps must be taken in anticipation of February 1, 2019. This particular pre-February 1, 2019 part of the transition is in respect of new and ongoing files which would normally be part of the rota leading up to February 1, 2019. To facilitate transition to the new FD Case Flow Model, recognizing the obvious scheduling challenges, we will be implementing the following approach as of **October 5, 2018**:
  - For those matters where a case conference has been held or a case conference is scheduled under the existing Rules, the case conference judge who presided, or who is scheduled to preside at the case conference, will continue to serve as the case conference judge, and:
    - At the next or all case conferences between October 5, 2018, and February 1, 2019, trial dates must be scheduled within 12 to 15 months;
    - Any subsequent case conferences before this seized case conference judge will be scheduled for 9:00 a.m. or 1:00 p.m. and only with leave of the judge.
  - For those matters initiated under the existing Rules, where a judge is scheduled to hear an interim motion after October 5, 2018, but before February 1, 2019, including a summary judgment motion, the transition requires that the following take place:
    - At the hearing of the motion, trial dates must be scheduled within 12 to 15 months;

- Where, after October 5, 2018, but before February 1, 2019, a motion has already been scheduled, but no further case conference has been scheduled, the motion judge is to serve as the case conference judge. Any subsequent case conferences before this judge will be scheduled for 9:00 a.m. or 1:00 p.m., on or after February 1, 2019, and only with leave of the judge.
- In any matter where an initiating pleading or a motion to vary has been filed, but there has been no motion or case conference date set, these cases are now to be considered as in the “pre-triage” stage under the new FD Case Flow Model and:
  - The first case conference will be scheduled after February 1, 2019;
  - To mitigate during this transition against any delay that might be prejudicial to the parties, two judges on the Tuesday List will be available for adjudication of those matters that may require adjudication and who may set a contested motion date, if required, prior to February 1, 2019. Every effort will be made to resolve the matter. As such, the parties will be required to attend and the assigned judges will generally have time in the afternoon to meet with them.

The Law Society of Manitoba will be scheduling two Continuing Legal Education Programs regarding this same topic for November 7, 2018, and January 2019.

To make this transition as orderly as possible, we need and require your cooperation and collaboration with the directions set out above. We look forward to your assistance.

## **Coming into effect**

This Practice Direction/Notice comes into effect immediately.

### **ISSUED BY:**

*“Original signed by Chief Justice Joyal”*

---

**The Honourable Chief Justice Glenn D. Joyal  
Court of Queen’s Bench (Manitoba)**

**DATE: October 4, 2018**