

# **PRACTICE DIRECTIVES**



# COURT OF KING'S BENCH

## Practice Directives

### CANCELLATION AND ISSUANCE OF ALL PRACTICE DIRECTIVES EFFECTIVE JULY 1, 2013 AND ADMINISTRATIVE NOTICES

#### Practice Directives

Commensurate with the new Rule of Court, all Practice Directives issued prior to July 1, 2013 are cancelled, and the following Practice Directives are issued:

| No.  | Date of creation and last or revised date  | Title (Current Version)   |
|--|--|---|
| <b>General Application Practice Directives (GA-PD)</b> |  |   |
| GA-PD NO. 1  | Jly. 1/13, Nov. 1/23                       | <i>Cancellation of Practice Directives issued prior to Jly. 1, 2013</i>           |
| GA-PD NO. 2  | Jly. 1/13, Nov. 1/23                       | <i>Filing copies of Authorities</i>   |
| GA-PD NO. 3  | Jly. 1/13, Jly. 1/14, Nov. 1/23            | <i>Discretionary Orders restricting Media Reporting or Public Access</i>          |
| GA-PD NO. 4  | Nov. 1/13, Nov. 1/23                       | <i>Expedited Pre-Trial Conferences</i>  |
| GA-PD NO. 5  | May 1/20, Jly. 17/23                       | <i>Gowning Policy for Counsel</i>   |
| GA-PD NO. 6  | Oct. 1/14, Nov. 1/23                       | <i>Citation of Authorities</i>  |
| GA-PD NO. 7  | Feb. 1/16, Nov. 1/23                       | <i>Adjournment of Chamber Proceedings</i>   |
| GA-PD NO. 8  | May 1/18, Nov. 1/23                        | <i>Communication and Correspondence with Judges</i>                               |
| GA-PD NO. 9  | Nov. 1/19, Mar. 1/22, May 16/22, Nov. 1/23 | <i>Scheduling of Summary Judgment, Set Aside and Judicial Review Applications</i> |
| GA-PD NO. 10   | Aug. 1/21, Nov. 1/23                       | <i>Audio/Video Recording or Broadcasting Court Proceedings</i>                    |
| GA-PD NO. 11   | Sep. 2022, Nov. 1/23                       | <i>Time Limits for Oral Presentation in Chambers</i>                              |
| <b>Criminal Practice Directives (CRIM-PD)</b>          |  |   |
| CRIM-PD NO. 1  | Mar. 26/21, Nov. 1/23, Dec. 1/24           | <i>Criminal Pre-Trial Conferences</i>   |
| CRIM-PD NO. 2  | Oct. 1/20, Nov. 1/23                       | <i>Access to Jury Lists and Juror Information</i>                                 |
| CRIM-PD NO. 3  | Apr. 1/17, Nov. 1/23                       | <i>Safe Handling of Admissible Large or Sensitive Exhibits</i>                    |
| CRIM-PD NO. 4  | Apr. 1/17, May 1/18, Nov. 1/23, May 1/24   | <i>Obtaining a Subpoena for a Criminal Trial</i>                                  |
| CRIM-PD NO. 5  | Apr. 1/17, Nov. 1/23                       | <i>Retention and Release of Criminal Exhibits</i>                                 |
| CRIM-PD NO. 6  | May 1/17, Nov. 1/23                        | <i>Summary Conviction or Absolute Jurisdiction Offences</i>                       |
| CRIM-PD NO. 7  | May 1/19, Nov. 1/23                        | <i>Court Recording of Proceedings – Request for Copy</i>                          |
| CRIM-PD NO. 8  | Jly. 1/21, Nov. 1/23                       | <i>Section 525 Detention Reviews</i>  |

| No.   | Date of creation and last or revised date                       | Title (Current Version)  |
|---|---|--|
| <b>Criminal Practice Directives (CRIM-PD)</b> |   |  |
| CRIM-PD NO. 9                                 | Sep. 1/22, Nov. 1/23, Dec 1/24                                  | <i>Obtaining an Order for Attendance of a Prisoner – Production Order</i>  |
| CRIM-PD NO. 10                                | Nov. 1/22, Nov. 1/23  | <i>Initial Judicial Interim Release</i>  |
| CRIM-PD NO. 11                                | March 27/23, Jne. 1/23  | <i>Procedure for Informing Participants of their Right to Counsel – SS. 276, 278.3 and 278.92 of the Criminal Code</i> |
| CRIM-PD NO. 12                                | Feb. 1/24   | <i>Access to criminal court records and criminal proceeding exhibits</i>   |
| CRIM-PD NO. 13                                | Feb. 1/24   | <i>Remand Warrants</i>   |
| <b>Civil Practice Directives (CIV-PD)</b>     |   |  |
| CV-PD NO. 1                                   | Sep. 1/09, Jly. 1/13, Nov. 1/23                                 | <i>e-Discovery Guidelines</i>  |
| CV-PD NO. 2                                   | Sep. 1/03, Jly. 1/13, Nov. 1/23                                 | <i>Bankruptcy and Insolvency</i>   |
| CV-PD NO. 3                                   | Jly. 1/13, Nov. 1/23  | <i>Canadian Judicial Protocol for the Management of Multi-Jurisdictional Class Actions</i>                             |
| CV-PD NO. 4                                   | April 1/17, Nov. 1/23   | <i>Template Orders for use in Bankruptcy Discharge Applications</i>  |
| CV-PD NO. 5                                   | Sep. 1/17, Oct. 1/19, Nov. 1/23                                 | <i>Applications under The Saskatchewan Human Rights Code</i>   |
| CV-PD NO. 6                                   | Sep. 1/22, Jne. 1/23, Jan. 1/24                                 | <i>Chambers Appearance Memo</i>  |
| <b>Family Practice Directives (FAM-PD)</b>    |   |  |
| FAM-PD NO. 1                                  | May 1/09, Jly. 1/13, Dec. 1/18, Feb. 1/19, Mar. 1/22, Nov. 1/23 | <i>Family Pre-Trial Conferences</i>  |
| FAM-PD NO. 2                                  | Oct. 17/01, Jly. 1/13, Nov. 1/23                                | <i>Mandatory Parenting Education Programs</i>  |
| FAM-PD NO. 3                                  | Oct. 17/01, Jly. 1/13, Nov. 1/23                                | <i>Objections to Affidavit Evidence in Family Matters</i>  |
| FAM-PD NO. 4                                  | May 1/14, Nov. 1/23   | <i>Family Service Proceedings</i>  |
| FAM-PD NO. 5                                  | Sep. 1/18, Nov. 1/23  | <i>Hearings in Family Services Proceedings</i>   |
| FAM-PD NO. 6                                  | Feb. 1/20, Jne. 1/23, Sep. 1/24                                 | <i>Family Chambers Appearance Memo</i>   |
| FAM-PD NO. 7                                  | Nov. 1/22, Nov. 1/23  | <i>Mandatory Participation In A Judicial Case Conference Before A Chambers Hearing Is Scheduled</i>                    |

ADMINISTRATIVE NOTICES  
PARENTING AFTER SEPARATION PROGRAM

This Notice re-issues a Notice to the Profession issued on December 13, 2010, by the then Court of Queen's Bench Registrar, Melanie Baldwin.

The Court of Queen's Bench Family Law Practice Committee is a committee composed of Judges from the Court's Family Law Division which considers matters of family law practice and policy in the Court. The Family Law Practice Committee has noted that parties continue to attempt to take further steps in family law proceedings without first attending the Parenting After Separation program and filing a certificate of attendance with the Court or obtaining an exemption from the requirement as contemplated in s.44.1 of *The Queen's Bench Act, 1998*. This practice occurs throughout the province.

Parties to family law proceedings and their counsel should be aware of the following aspects/requirements of the Parenting After Separation program:

- The Parenting After Separation program is mandatory in all Judicial Centres in Saskatchewan.
- A party to a family law proceeding must attend the Parenting After Separation program and file a certificate of attendance with the Court or obtain an exemption from this requirement before taking any further step in a family law proceeding.
- If more than two years have elapsed since a party attended the Parenting After Separation program, the party must do so again and file the appropriate certificate or must obtain an exemption before taking any further step in a family law proceeding.
- If a party's personal circumstances do not permit him/her to attend at a centre where the Parenting After Separation program is offered but that party has access to a computer and a printer, the Saskatchewan Ministry of Justice offers a CD version of the program. A party wanting to access the CD version must contact Cornell Beuker, the Ministry's Parent Education Coordinator at (306) 933-5937 or 1-877-964-5501 toll-free to apply for the CD version of the program, must watch the CD and must satisfactorily complete and return a number of worksheets to Ms. Beuker.

This Administrative Notice is issued this 20th day of June, 2013.

Chief Justice M.D. Popescul,  
Court of Queen's Bench for Saskatchewan.

## TEMPLATE RECEIVERSHIP AND C.C.A.A. INITIAL ORDERS

This Notice re-issues a Notice to the Profession issued on July 16, 2010, by then Chief Justice R.D. Laing.

In June 2006, the Court of Queen's Bench endorsed a template receivership order and accompanying explanatory notes for counsels' use in all proceedings before the Court. In June 2008, the Court endorsed a template *Companies' Creditors Arrangement Act* initial order and accompanying explanatory notes for applications under that Act. These documents were posted on the Canadian Bar Association website at: [www.cba.org/saskatchewan/main/templateorders](http://www.cba.org/saskatchewan/main/templateorders).

In response to the amendments to the *Bankruptcy and Insolvency Act* and *The Companies' Creditors Arrangement Act* in September 2009, the Court again, through its Bankruptcy and Insolvency Panel in consultation with the Bankruptcy and Insolvency section of the Canadian Bar Association, Saskatchewan Branch, revised both the receivership and C.C.A.A. initial orders. These are now posted on the same C.B.A. website.

Any counsel who intends to apply to the Court for either a receivership order or a C.C.A.A. initial order is directed to utilize these template orders, and to advise the presiding judge of any additions or changes to those orders by way of highlighting in bold letters or black-lining. While the discretion of any presiding judge is unfettered by the use of these template orders, it is expected that any draft orders presented by counsel in an application will be substantially in compliance with the template orders.

This Administrative Notice is issued this 20th day of June, 2013.

Chief Justice M.D. Popescul,  
Court of Queen's Bench for Saskatchewan.

WITHDRAWAL BY CRIMINAL DEFENCE LAWYERS FROM ACTING FOR AN  
ACCUSED PERSON

This Notice re-issues a Notice to the Profession issued on May 7, 2008, by then Chief Justice R.D. Laing.

Criminal defence lawyers seeking to withdraw from acting for an accused client shortly before a trial is scheduled to commence creates problems for the Court's schedule. In many cases such late withdrawals are due to the lawyer not having been paid his or her fee. The historical ethical rule for lawyers has been that a lawyer may only withdraw from acting for a client for non-payment of fees if there remains ample time prior to the trial date for the accused person to retain another counsel to act. Our Court has decided 60 days prior to the trial date is the minimum time in which this may occur. The Court adopts the following policy.

Within 60 days of a trial date, defence counsel seeking to withdraw must apply by notice of motion supported by an affidavit that states the withdrawal is not due to the client's non-payment of fees. No other reason for the withdrawal is required. If the application for withdrawal is due to non-payment of fees, the lawyer may not be allowed to withdraw.

The foregoing policy is not considered onerous on defence lawyers who will now be in a position to advance the date for payment with their clients, and will assist the Court in reducing the number of criminal trials that must be adjourned.

This Administrative Notice is issued this 20th day of June, 2013.

Chief Justice M.D. Popescul,  
Court of Queen's Bench for Saskatchewan.

### THE CLASS ACTIONS ACT

This Notice re-issues a Notice to the Profession issued on December 20, 2007, by then Chief Justice R.D. Laing.

The Canadian Judicial Council has endorsed the recommendation of the Uniform Law Conference of Canada for the creation of a Central Class Action Registry to facilitate the exchange of information about all class actions instituted in Canadian Provinces, including multi-jurisdictional class actions. This Registry became operational as of January, 2007.

Most of the superior trial courts across Canada have issued Practice Directions along the lines of this one, or will be doing so in the near future in support of the Class Action Database. In Saskatchewan, there is another reason for our Court endorsing the Class Action Registry, and it is that in December, 2007, *The Class Actions Amendment Act, 2007*, was assented to, but not yet proclaimed. One of the amendments is a notification requirement at the time of an application for certification in a multi-jurisdictional class action. This practice direction will satisfy the notification requirements contained in the amendment.

Effective February 1, 2008, lawyers acting on behalf of plaintiffs in respect of proceedings under *The Class Actions Act*, S.S. 2001, c.C-12.01, are to comply with the following procedure:

Within 10 days of service or filing, whichever is earlier, a copy of any:

1. originating process; or
2. notice of motion for certification (not including affidavits in support); or
3. amendments to the foregoing

is to be sent electronically to the National Class Action Database of the Canadian Bar Association at the following address: CBA National Class Action Database, E-mail: [classaction@cba.org](mailto:classaction@cba.org); Attention: Kerri Froc.

A registration form must be used when submitting documents to the National Class Action Database, and data must be entered electronically. A copy of this registration form may be obtained online through the CBA website, [www.cba.org](http://www.cba.org). PDF is the preferred format for documents; however, MS Word documents will be accepted.

This Administrative Notice is issued this 20th day of June, 2013.

Chief Justice M.D. Popescul,  
Court of Queen's Bench for Saskatchewan.



GUIDELINES APPLICABLE TO COURT-TO-COURT COMMUNICATIONS IN  
CROSS-BORDER CASES

This Notice re-issues a Notice to the Profession issued on April 26, 2007, by the then Chief Justice. R.D. Laing.

In 2000, the American Law Institute developed *Guidelines Applicable to Court-to-Court Communications in Cross-Border Cases* (the *Guidelines*) as part of its Transnational Insolvency Project. The *Guidelines* are intended to enhance co-ordination and harmonization of insolvency proceedings which involve more than one jurisdiction by providing the directions for communications between the courts in the jurisdictions involved. The *Guidelines* are applicable to cross-border communications between Canada and the United States of America and between Canada and Mexico.

The International Insolvency Institute approved the *Guidelines* in 2001 and recommended that insolvency professionals and courts adopt the *Guidelines* to facilitate court-to-court communications in cross-border matters. In October 2006, the Canadian Judicial Council passed a resolution that all provincial jurisdictions adopt the *Guidelines*.

Following this recommendation, the Court of Queen's Bench for Saskatchewan reviewed and adopted the *Guidelines* on November 29, 2006. The *Guidelines* are available on the International Insolvency Institute website at [www.iiiglobal.org](http://www.iiiglobal.org).

The *Guidelines* are intended to encourage and facilitate co-operation in international cases while observing all applicable rules and procedures of the Court of Queen's Bench. The *Guidelines* are not restricted to insolvency cases, and may be of assistance in other international cases. The *Guidelines* do not alter the substantive rights of the parties. Utilization of these *Guidelines* by our Court will be contingent upon the adoption of the *Guidelines* by the court or courts in the other country in a substantially similar manner to ensure that judges, counsel, and parties are not subject to different standards of conduct.

This Administrative Notice is issued this 20th day of June, 2013.

Chief Justice M.D. Popescul,  
Court of Queen's Bench for Saskatchewan.

**CORRESPONDENCE ADDRESSED TO JUDGES RELATED TO PROCEEDINGS  
BEFORE THE COURT AND FILING LETTERS AND DOCUMENTS IN A  
PROCEEDING**

This Administrative Notice is to remind members of the Legal Profession and persons who represent themselves in proceedings before the court that it is not appropriate to correspond or attempt to correspond directly with a Judge that relates to a proceeding before the Court.

Where it is appropriate to make a submission to or contact the Court or Judge related to a proceeding before the Court, the letter, email or phone call should be addressed and/or directed to the Local Registrar, unless a Judge specifically grants permission to allow direct contact.

Generally submissions to or contact with the Court related to proceedings before it are to be made in accordance with the Rules of Court in the prescribed form. Therefore letters and documents should not be presented for filing on the Court file except where the letter is addressed to the Local Registrar and is submitted in the following circumstances:

1. The correspondence does no more than provide a case citation and a copy has been sent to the other side;
2. The Judge has requested further information or submissions and the request has been endorsed on the file;
3. The correspondence is attached to an Affidavit that is filed with the court as part of an Application in accordance with the Rules of Court;
4. The correspondence is filed to give notice or make a request referenced in the Rules of Court where no form is otherwise prescribed. For example a request for a case conference pursuant to section 4-4 of the Rules of Court;
5. The correspondence only relates to scheduling including adjournments or cancellation of proceedings.

This Administrative Notice is issued this 20th day of June, 2013.

Chief Justice M.D. Popescul,  
Court of Queen's Bench for Saskatchewan.

### CERTIFIED COPY OF PLEADINGS

Queen's Bench Rule 4-11 requires that a certified copy of pleadings be filed together with the request for a pre-trial conference. This Administrative Notice is issued to provide guidance as to what should be included in the certified copy of pleadings.

The certified copy of pleadings should include:

- Statement of Claim
- Statement of Defence to Statement of Claim, including Statements of Defence with Counterclaim, Cross Claim and Third Party Claim
- Statement of Defence to Counterclaim, Cross Claim and Third Party Claim
- Reply to Statement of Defence (including Replies to Defences of Counterclaims, Cross Claims and Third Party Claims)
- Demand for Particulars and Reply to Demand for Particulars

Some interlocutory orders, if they are of some consequence to the proceedings may be included.

In proceedings commenced by Petition, a certified copy of the Petition and Answer is not to be filed.

The certified copy of pleadings should not include:

- Affidavit of Documents
- Affidavits of Service
- Record of Interlocutory Proceedings
- Demand for Jury
- Offers to Settle
- Notice of Payment into Court

Where pleadings have been amended, only the amended pleading is to be included.

This Administrative Notice is issued this 20th day of June, 2013.

Chief Justice M.D. Popescul,  
Court of Queen's Bench for Saskatchewan.

## GENERAL APPLICATION PRACTICE DIRECTIVE NO. 1

## CANCELLATION OF PRACTICE DIRECTIVES ISSUED PRIOR TO JULY 1, 2013

**REFERENCE: GA-PD NO. 1**

Former reference: n/a

**Effective:** July 1, 2013

**Revised:** November 1, 2023

**1** Commensurate with the new Rules of Court coming into effect on July 1, 2013, all Practice Directives of the Court of Queen's Bench in effect prior to July 1, 2013, are hereby cancelled.

**2** Practice Directives issued on or after July 1, 2013 will be referenced by title, category and number. Each Practice Directive will set out when it, or its predecessor, was created and the date of its last revision.

**3** Each Practice Directive will be sorted into the following categories:

- General Application – Practice Directives in this category will be referred to as GA-PD.
- Criminal – Practice Directives in this category will be referred to as CRIM-PD.
- Civil – Practice Directives in this category will be referred to as CV-PD.
- Family – Practice Directives in this category will be referred to as FAM-PD.

All Practice Directives shall be issued on the authority of the Chief Justice of the Court of King's Bench.

Chief Justice M.D. Popescul,  
Court of King's Bench for Saskatchewan.

New. Gaz. 10 Nov. 2023.

GENERAL APPLICATION PRACTICE DIRECTIVE NO. 2  
FILING COPIES OF AUTHORITIES

**REFERENCE: GA-PD NO. 2**

Former reference: Practice Directive No. 7 issued September 1, 2010

**Effective:** July 1, 2013

**Revised:** November 1, 2023

- 1** This practice directive relates to authorities, such as case reports, legislation and articles from legal journals that are filed by counsel and parties.
- 2** A brief of law filed with the Court must include a list of authorities that:
  - (a) identifies the authorities relied on, including case reports, legislation, and articles from legal journals;
  - (b) identifies the legal principle relied on for each authority listed;
  - (c) identifies the section or paragraph relied on for each authority listed; and
  - (d) includes a neutral citation (e.g. 2023 SKKB 6) for each authority listed, when one is available.
- 3** Printed copies of authorities that are available on [www.canlii.org](http://www.canlii.org) shall not be filed, unless a judge otherwise directs.
- 4** Printed copies of authorities that are not available on [www.canlii.org](http://www.canlii.org), as well as repealed legislation and articles from legal journals, shall be appended to the list of authorities, unless a judge otherwise directs.
- 5** If printed copies of authorities are filed, either with leave of the Court or as provided by *The King's Bench Rules* or this Practice Directive:
  - (a) the party filing the printed copies shall first serve copies of the same on the other parties to the action;
  - (b) the copies may be printed on both sides of the page;
  - (c) the passages relied on shall be marked by way of highlighting, underlining or similar technique;
  - (d) the copies of case reports shall always include the headnote;
  - (e) the copies do not form part of the Court record; and
  - (d) at the conclusion of the application, pre-trial conference or trial, the copies are to be:
    - (i) at the request of the party who filed them, returned to that party; or
    - (ii) destroyed by the local registrar.

Chief Justice M.D. Popescul,  
Court of King's Bench for Saskatchewan.

GENERAL APPLICATION PRACTICE DIRECTIVE NO. 3  
DISCRETIONARY ORDERS RESTRICTING MEDIA REPORTING  
OR PUBLIC ACCESS

**REFERENCE: GA-PD NO. 3**

**Effective:** July 1, 2013

**Revised:** July 1, 2014; November 1, 2023

**Notice to Parties**

1 An applicant for a discretionary order restricting media reporting of, or media or public access to a proceeding shall, at least three days before the proceeding to which the order is to apply, serve the parties to the proceeding with a Notice of Application, supporting affidavit and draft order.

**Requirements of the Notice of Application**

2 The Notice of Application must:

- (a) state the basis for the application;
- (b) set forth the grounds on which the application is made including the authority under which the order is sought, whether it is the common law discretion of the Court or a specific statutory provision; and
- (c) state precisely the relief sought by the applicant, including the particular terms of the order being sought.

**Notice to Media**

3 An applicant for a discretionary order restricting media reporting of, or media or public access to a proceeding shall, at least three clear days before the hearing of the application, complete the electronic Notice of Application for a Publication Ban that can be found in the Resources section of the Saskatchewan Law Courts' website ([www.sasklawcourts.ca](http://www.sasklawcourts.ca)).

4 Notice to the media described in paragraph 3 also applies to application to vary, vacate or set aside a discretionary order.

**Standing**

5 Standing to be heard on the application remains in the sole discretion of the judge hearing the application.

**Interim Order**

6 On prior application, with or without notice, by the person seeking the discretionary order, a judge may restrict access to and/or ban publication of the information that is the subject of the application until the application is heard.

Chief Justice M.D. Popescul,  
Court of King's Bench for Saskatchewan.

GENERAL APPLICATION PRACTICE DIRECTIVE NO. 4  
EXPEDITED PRE-TRIAL CONFERENCES

**REFERENCE: GA-PD NO. 4**

**Effective:** November 1, 2013

**Revised:** November 1, 2023

- 1** The local registrar at each judicial centre shall maintain an “expedited pre-trial conference list”. The purpose of the list is to provide litigants, including ones who have already been assigned a pre-trial conference date, to have their pre-trial conference scheduled or re-scheduled to an earlier date, in situations where the Court calendar opens up as a result of an originally scheduled matter falling through.
- 2** An action may be placed on the expedited pre-trial list when all of the following conditions have been met:

  - (a) the parties have complied with Rule 4-11 of *The King’s Bench Rules* and the pre-trial conference in the action is either scheduled or eligible to be scheduled;
  - (b) each party has filed their pre-trial brief; and
  - (c) each party has agreed to be placed on the expedited pre-trial list.
- 3** The local registrar shall list the actions on the expedited pre-trial list in the order that they became eligible to be placed on the list. When due to cancellations or other causes, the Court’s calendar opens up, the local registrar will offer that date or dates to the parties in each action in the order that they have been placed on the list.
- 4** In the event that the parties refuse an expedited date, they shall remain on the expedited list and maintain their position in the order of priority.
- 5** This practice directive does not alter the continued duty of the local registrar to schedule pre-trial conferences pursuant to Rule 4-11(9), notwithstanding that the pre-trial briefs have not yet been filed.

Chief Justice M.D. Popescul,  
Court of King’s Bench for Saskatchewan.

New. Gaz. 10 Nov. 2023.

GENERAL APPLICATION PRACTICE DIRECTIVE NO. 5  
GOWNING POLICY FOR COUNSEL

**REFERENCE: GA-PD NO. 5**

**Effective:** July 17, 2023

**Revised:** May 1, 2020

**Practice Directive GA-PD NO. 5 issued May 1, 2020, is repealed and replaced with this revised Practice Directive GA-PD NO. 5 effective July 17, 2023.**

**Information Note**

Gowning is part of our legal heritage. It reminds lawyers of their special privilege to represent parties before His Majesty's superior courts. It is also a uniform that removes visual distinction between counsel and symbolically places all counsel on the same level at the Bar, excepting only the distinction between barrister and King's Counsel robes. Proper attire and wearing that attire in a proper manner is a mark of professionalism.

Unless the presiding judge otherwise directs:

- 1** Counsel are required to gown for all appearances before the Court of King's Bench, except for the appearances described in paragraph 2.
- 2** Counsel are not required to gown for:
  - (a) chambers;
  - (b) pre-trial conferences;
  - (c) *The Residential Tenancies Act, 2006* appeals heard in chambers;
  - (d) bail reviews; and
  - (e) in detention review chambers under s.525 of the *Criminal Code*.
- 3** Gowning means court shirt, court vest, tabs and robe, without additional adornment. Dress pants or skirts are black, charcoal gray or morning stripe. Shoes or pumps are black.
- 4** King's Counsel robes, vest and tabs are to be worn only by the barristers so appointed.



**5** Counsel may modify their traditional court attire in order to accommodate their personal circumstances. Counsel wearing altered attire are requested to advise the court clerk or the local registrar in advance of the appearance to ensure that they do not need to discuss their personal circumstances or modified attire on the record or in open court.

Chief Justice M.D. Popescul  
Court of King's Bench for Saskatchewan.

Illustration



New. Gaz. 28 Jly 2023.

GENERAL APPLICATION PRACTICE DIRECTIVE NO. 6  
CITATION OF AUTHORITIES

**REFERENCE: GA-PD NO. 6**

**Effective:** October 1, 2014

**Revised:** November 1, 2023

- 1** The citations included in all briefs, written arguments, memoranda of law and other written submissions filed with the Court must comply with the *Citation Guide for the Courts of Saskatchewan*.
- 2** The *Citation Guide for the Courts of Saskatchewan* is attached to and forms part of this practice directive.

**Explanatory Note**

The *Citation Guide for the Courts of Saskatchewan* makes important changes to legal citation in the Courts of Saskatchewan. Some of those changes are:

- A requirement to identify an electronic source in the citation under certain circumstances;
- A consistent approach to the use and format of short forms that identify case law or legislation that has previously been cited; and
- A hybrid approach to the use of periods in citations.

Chief Justice M.D. Popescul,  
Court of King's Bench for Saskatchewan.

New. Gaz. 10 Nov. 2023.



# Citation Guide for the Courts of Saskatchewan

2014

### PURPOSE

The purpose of this Guide is to provide a standard set of citation rules for the courts of Saskatchewan. It covers all of the basic citation structures. For citation questions not covered by this Guide, the *Canadian Guide to Uniform Legal Citation* (the McGill Guide) should be consulted. Where this Guide and other style guides differ, this Guide prevails.

### ACKNOWLEDGMENTS

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The authors wish to thank the Supreme Court of Canada and the Ontario Court of Appeal for their assistance in this project. They also acknowledge their reference to examples in the *Canadian Guide to Uniform Legal Citation*, 7th edition (Toronto: Carswell, 2010).

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## I. CITATION QUICK REFERENCE GUIDE

This part of the Guide provides a quick reference to the most common kinds of citations. For an expanded explanation, please see the balance of the Guide.

### CASE LAW

#### Neutral Citation Available

**Case name**, | **Neutral Citation** | **pinpoint** (as needed), | **Print Report Citation** (if available).

*Gray v Wiegers*, 2008 SKCA 7 at para 4, 291 DLR (4th) 176.

*H.E.K. v M.L.K.*, 2013 SKCA 14.

#### No Neutral Citation Available

**Case name** | **(year of decision)** (as needed), | **print report citation** | **(electronic database where decision obtained)** (as needed) | **(jurisdiction and level of court)** (as needed) | **pinpoint** (as needed).

*Kieling v Saskatchewan Wheat Pool* (1994), 120 Sask R 239 (CA).

*Hareldkin v University of Regina*, [1979] 3 WWR 673 (QL) (Sask CA) at para 5.

### STATUTES – FEDERAL AND PROVINCIAL

**Title**, | **Statute Volume** (e.g., RSS) | **year**, | **chapter** | **(session or supplement)** (as needed), | **pinpoint** (as needed).

*The Sale of Goods Act*, RSS 1978, c S-1, s 58.

*Income Tax Act*, RSC 1985, c 1 (5th Supp), s 103.

### SASKATCHEWAN REGULATIONS

#### Revised Regulations

**Title**, | **RRS** | **chapter** | **regulation number**.

*The Conseil scolaire fransaskois Election Regulations*, RRS c E-0.2 Reg 4.

*The Slot Machine Regulations*, RRS c S-50 Reg 1.

*The Parks Regulations, 1991*, RRS c P-1.1 Reg 6.

#### Unrevised Regulations

**Title**, | **Sask Reg number/year**.

*The Hospital Standards Regulations, 1980*, Sask Reg 331/79.



## FEDERAL REGULATIONS

### Revised Regulations

**Title**, | **CRC**, | **chapter**, | **pinpoint** (as needed) | (year of revision, optional).

*Civil Service Insurance Regulations*, CRC, c 401, s 5 (1978).

### Unrevised Regulations

**Title** (optional), | **SOR/** | **year-regulation number**, | **pinpoint** (as needed).

*Citizenship Regulations*, 1993, SOR/93-246, s 7.

## BOOKS

**Author(s)**, | **Title**, | **edition** (as needed), | **volume number** (as needed) | (**Place of Publication: Publisher, year of publication**) | **pinpoint** (as needed).

Bruce MacDougall, *Estoppel*, 2d ed (Markham: LexisNexis, 2012) at 154.

Michel Bastarache & Andréa Boudreau Ouellet, *Précis du droit des biens réels*, 2d ed (Cowansville, Que: Éditions Yvon Blais, 2001) at 27.

## JOURNAL ARTICLES

**Author(s)**, | “**Title of Article**” | (**year**) | **volume** | **Journal or Review Name** | **first page number** | (**Electronic Service**) (if applicable) | **pinpoint** (as needed).

Emily Luther, “Justice for All Shapes and Sizes: Combatting Weight Discrimination in Canada” (2010) 48 *Alta L Rev* 167 (QL) at para 12.

## LOOSE-LEAF MATERIALS

**Author(s)**, | **Title**, | **loose-leaf (release number)** | **edition** (as needed), | **volume number** (as needed) | (**Place of Publication: Publisher, year of publication**) | **pinpoint** (as needed).

Mark M. Orkin, *The Law of Costs*, loose-leaf (Rel 44, June 2014) 2d ed, vol 2 (Toronto: Canada Law Book, 2014) at para 402.

Tim Quigley, *Procedure in Canadian Criminal Law*, loose-leaf (2014-Rel 1) 2d ed (Toronto: Carswell, 2005).

## WEBSITES

**Traditional citation**, | **online**: | **Name of Website** | <url> | (**date accessed**).

Tamara M. Buckwold & Ronald C.C. Cuming, *Modernization of Saskatchewan Money Judgment Enforcement Law: Final Report* (Saskatoon: University of Saskatchewan, College of Law, 2005), online: Queen’s Printer (Saskatchewan) <[www.qp.gov.sk.ca/orphan/je\\_final\\_report.pdf](http://www.qp.gov.sk.ca/orphan/je_final_report.pdf)> (19 November 2013).

## LIST OF AUTHORITIES/BIBLIOGRAPHY

See Appendix B for examples.

### II. CASE LAW

#### A. CANADIAN CASE LAW

##### General Citation Pattern

##### *Neutral Citation Available*

**Case name**, | **neutral citation** | **pinpoint** (as needed), | **print report citation** (if available).

*Gray v Wiegers*, 2008 SKCA 7 at para 4, 291 DLR (4th) 176.

Case name      Neutral Citation      Pinpoint      Print Report Citation

##### *No Neutral Citation Available*

**Case name** | **(year of the decision)** (as needed), | **print report citation** | **(electronic database where decision obtained)** (as needed – see point 8) | **(jurisdiction and level of court)** (as needed) | **pinpoint** (as needed).

*Bank of Montreal v Nevin*, [1996] 7 WWR 317 (Sask CA) at 320.

Case name      Print Report Citation      Pinpoint

*Kieling v Saskatchewan Wheat Pool* (1994), 120 Sask R 239 (CA) at 240.

Case name      Print Report Citation      Pinpoint

*Drope & Co. Ltd. v Pantel* (1963), 40 DLR (2d) 455 (QL) (Sask CA) at para 14.

Case name      Print Report Citation/  
Electronic Source (see explanation at point 8)      Pinpoint

## ELEMENTS OF A CITATION

### Use of Periods in a Citation

#### 1. The case name (commonly known as the “style of cause”)

*This part of the citation will only include periods in proper names. No other parts of the case name will include periods. Neither the “v” nor the “c” is followed by a period.*

#### 2. The citation proper

*This part of the citation will not include periods for abbreviations for print reports, jurisdictions, or court identifiers.*

#### 3. A pinpoint reference

*This part of the citation will not include periods to indicate abbreviations for paragraphs and pages.*

**NOTE:** These rules only apply to periods in citations. In the body of a document, abbreviations keep their punctuation: e.g., “The Court made the following statement at para. 25: ...”

#### 1. Case Name (commonly known as the “style of cause”)

The case name sets out the names of the parties and identifies how the case is indexed so there is a uniform description of the case name (an issue for cases involving multiple parties). If there are multiple parties named, use the name of the first listed party. For more information see point 3 below.

The names of the parties are in italics, separated by “v” or “c” (no period). The “v” is used in the English version of the judgment and the “c” in the French version. The “v” and “c” are in italics. Do not use “et al” in the case name. The names of the parties are followed by a reference to the law report.

*Hunter v Southam Inc.*, [1984] 2 SCR 145.

#### 2. The Citation Proper

The citation proper consists of the neutral citation and/or the print report. All citations must include the following:

- the year of decision;
- where the decision is available (print report or online database);
- the jurisdiction of the court; and
- the level of court.

If the province or court of origin is clear from the title of the reporter, do not include it in the jurisdiction statement. If it is not clear, then include it in the jurisdiction section. For example, if citing to a Saskatchewan Court of Appeal decision as found in the DLR, put (Sask CA) after the page number. However, if citing to the same case in the Sask Reports, only (CA) is needed.

### 3. “Indexed as” Entry

Since 1986, the editors of the various law reports and databases in Canada have standardized the case name of cases by creating an “indexed as” entry, which indicates how to refer to the decision. This is how the decision must be cited. The SCR began using an “indexed as” entry in volume 2 of 1986:

**YES:** *Ford v Quebec (Attorney General)*, [1988] 2 SCR 712.

**NO:** *Attorney General of Quebec v La Chaussure Brown’s Inc.*, [1988] 2 SCR 712.

For citation purposes, where there is more than one case listed in the case name (e.g., where two or more cases are consolidated), only the first case listed should be used in the “indexed as” entry.

If the “indexed as” entry is not listed in the print report, go to the judgments database of the court that issued the decision.

### 4. Neutral Citation

On January 1, 2000, the Supreme Court of Canada and the Saskatchewan Court of Appeal started using a neutral citation standard for their judgments. Most other Canadian courts and tribunals adopted the same practice around that same time, with the exception of Ontario. The neutral citation permits the immediate identification of any judicial decision regardless of format (electronic or paper) or publisher. The neutral citation contains three parts: the year of the decision; the tribunal identifier; and the ordinal number of the decision (this is the consecutive number for each decision issued by that court that is assigned by the court itself).

The tribunal identifier for Supreme Court of Canada decisions is SCC for the English version and CSC for the French version. The tribunal identifier for Saskatchewan Court of Appeal decisions is SKCA; for Saskatchewan Court of Queen’s Bench decisions, it is SKQB; and for Saskatchewan Provincial Court decisions, it is SKPC.

**Always provide the neutral citation if it is available.** If the decision is very recent, the neutral citation may be all that is available:

*R v Levin*, 2014 SKCA 66.

*Reference re Supreme Court Act, ss 5 and 6*, 2014 SCC 21.

Once the judgment is published in a print report, use the print report citation as a second and parallel citation. Refer to point 10 below, for a priority list of which print report to cite first:

*Westfair Foods Ltd. v United Food and Commercial Workers, Local 1400*, 2004 SKCA 119, 244 DLR (4th) 726.

*Arsenault-Cameron v Prince Edward Island*, 2000 SCC 1, [2000] 1 SCR 3.

If a neutral citation is not available, then only cite to one print report. For more details, see point 10 below.

A chart of when various Canadian courts adopted neutral citations is attached as Appendix A.

## 5. Parallel Citations

Where a neutral citation is available, a parallel citation to a print reporter is required. Where there is no neutral citation, cite to only one print report. For more details, see point 10 below.

## 6. Year of Decision

When the law report can be located by volume number, place the year of the judgment in round parentheses. The comma separating the case name from the citation goes after the parentheses. In other cases, place the year of the volume in square brackets and the comma separating the case name from the citation before the square brackets:

*R v Latimer* (1994), 124 Sask R 180 (QB).

*Canada (Attorney General) v H.L.*, [2003] 5 WWR 421 (Sask CA).

If the year of the decision is the same as the year of the reporter, do not provide the year of the decision. Where the year of the decision differs from the year of the reporter, it is necessary to indicate both years:

*Busse Farms Ltd. v Federal Business Development Bank* (1998), [1999] 7 WWR 737 (Sask CA).

## 7. Jurisdiction and Level of Court

Add the name of the court and its jurisdiction, if it cannot be identified from the title of the law report. It is not necessary to identify a level of court or jurisdiction if there is a neutral citation:

*Langford v Langford* (1996), 142 Sask R 51 (QB).

*Goodsman v Saskatchewan Power Corp.* (1997), 145 DLR (4th) 213 (Sask CA) at 217.

*Valley Beef Producers Co-operative Ltd. v Farm Credit Corp.*, 2002 SKCA 100 at para 97, 218 DLR (4th) 86.

When initials are used for the jurisdiction, do not leave a space between the jurisdiction and the court (e.g., BCSC). When an abbreviation is used for the jurisdiction, leave a space between the jurisdiction and the court (e.g., Ont SCJ).

The following table contains abbreviations for jurisdictions:

| Jurisdiction              | Abbreviation | Jurisdiction         | Abbreviation |
|---------------------------|--------------|----------------------|--------------|
| Alberta                   | Alta         | Nova Scotia          | NS           |
| British Columbia          | BC           | Nunavut              | Nu           |
| Federal                   | Fed          | Ontario              | Ont          |
| Manitoba                  | Man          | Prince Edward Island | PEI          |
| New Brunswick             | NB           | Quebec               | Que          |
| Newfoundland and Labrador | NL           | Saskatchewan         | Sask         |
| Northwest Territories     | NWT          | Yukon                | Yu           |

The following table contains abbreviations for courts:

| <b>Court</b>                                 | <b>Abbreviation</b> |
|--|---------------------|
| Supreme Court of Canada                      | SCC                 |
| Federal Court of Appeal                      | FCA                 |
| Court of Appeal                              | CA                  |
| Federal Court                                | Fed Ct              |
| Superior Court of Justice (Divisional Court) | Sup Ct (Div Ct)*    |
| Tax Court of Canada                          | Tax Ct              |
| Court of Queen's Bench                       | QB                  |
| Court of King's Bench                        | KB                  |
| Superior Court of Justice or Superior Court  | Sup Ct              |
| Supreme Court                                | SC                  |
| Provincial Court                             | Prov Ct             |
| Court of Justice                             | Ct J                |

\* Where a Divisional Court decision has a neutral citation, it is important to indicate that it is a case from the Divisional Court of the Superior Court of Justice, e.g. 2014 ONSC 941 (Div Ct).

## 8. Pinpoint Reference

Paragraph numbers were added to help the legal profession make the link between the paper and the electronic versions (databases or Internet) of a judgment. A pinpoint is a reference to a particular paragraph or page. If it is not possible to cite to the paragraph number, cite the page.

The following illustrates the year that various law reporting series began adding paragraph numbers:

| <b>Reporter</b> | <b>Volume</b> | <b>Year Began<br/>Paragraph Numbering</b> |
|-----------------|---------------|---|
| SCR             | 1             | 1995                                      |
| DLR             | 149           | 1997                                      |
| WWR             | 4             | 1991                                      |
| Sask R          | All           | 1980                                      |

When a neutral citation is available, place the pinpoint immediately after the neutral citation and before the print report citation (if one is available):

*Gray v Wiegers*, 2008 SKCA 7 at paras 4–6, 291 DLR (4th) 176.

When a neutral citation isn't available, place the pinpoint at the very end of the citation, after the jurisdiction and level of court:

*Farm Credit Corp. v Johnston* (1990), 82 Sask R 161 (CA) at para 17.

*R v Latimer* (1995), 126 DLR (4th) 203 (Sask CA) at 229–30.

### ***Pinpointing from Databases***

Cases with neutral citations are issued with paragraph numbers. If pinpointing to a case without a neutral citation, and the paper version of the print report does not contain paragraph numbers, cite to the page number. If the print report is not available, or if it is more convenient to use a database version of the decision, cite to the paragraph number used by the database and indicate the database used:

*Drope & Co. Ltd. v Pantel* (1963), 40 DLR (2d) 455 (QL) (Sask CA) at para 14.

Paragraph numbering for decisions without neutral citations can sometimes vary between electronic databases. Therefore, the citation should specify the database used to reference the paragraph number:

*Walker v Manitoba Public Insurance Corporation* (1985), 35 Man R (2d) 308 (QL) (CA) at para 5.

Use the following abbreviations for the most frequently accessed databases:

| Database   | Abbreviation |
|--|--------------|
| Quicklaw   | QL           |
| Westlaw Canada/WestlawNext Canada/Westlaw        | WL           |
| CanLII, the Canadian Legal Information Institute | CanLII       |

## **9. Short Title**

If reference is made to a case that has already been cited, choose the name of one of the parties or a distinctive part of the case name (commonly known as the “style of cause”) for subsequent references. Place it in square brackets at the end of the citation. Do not use “*supra*” in place of the citation or after the short form:

*Gray v Wiegers*, 2008 SKCA 7 at para 4, 291 DLR (4th) 176 [Gray].

Do not use the term “hereinafter” to describe subsequent references to a case. Instead, adopt the simplest form of the case name and use it consistently throughout.

Whatever short form is used, always italicize it. This will also include references to the *Act* or the *Regulation*, if only one *Act* or *Regulation* is being cited.

*The Administration of Estates Act*, SS 1998, c A-4.1 [AEA].

*The Automobile Accident Insurance Act*, RSS 1978, c A-35 [AAIA].

*Supra* and *ibid* should still be used in footnotes.

## 10. Which Source? Neutral Citations, Reporters and Electronic Databases

The process for deciding how to cite case law follows these two rules:

**RULE #1:** If there is a neutral citation, it must be used. See Appendix A for a list of when various Canadian courts adopted neutral citations.

**RULE #2:** Along with the neutral citation, cite a print report if available. If there is no neutral citation, only cite to one print report.

Selecting which print report to cite should be determined on the basis of the following guidelines:

- (1) all Supreme Court of Canada decisions must be cited to the SCR. If the decision is too recent to be in the SCR, use the neutral citation and if available, a DLR or WWR cite;
- (2) Federal Court and Federal Court of Appeal decisions must be cited to the FCR. If the decision is too recent to be in the FCR, use the neutral citation and if available, a DLR, or another available print cite;
- (3) for civil decisions, cite to the DLR, WWR, Sask R, or other comparable print report. Or, cite to the most applicable topical print report (e.g., RFL, CPC, CBR, ETR);
- (4) for criminal decisions, cite to the CCC, CR, DLR, WWR, Sask R, or other comparable print report.

Cite the full version of a decision, either in print or electronic form. A citation to a summary digest (such as ACWS, WCB, AWLD, or BCWLD) should not be used. See “Judgments in Electronic Form” below.

Each electronic database lists parallel citations for decisions; however, parallel citations can also be located in the *Canadian Abridgment Consolidated Table of Cases*, available in the Court of Appeal Library, the University of Saskatchewan Law Library and the Law Society Libraries in Regina and Saskatoon.

## 11. Judgments in Electronic Form

A judgment may be too recent to have been published in a print report, but all court decisions have a neutral citation. If it has a neutral citation, cite it.

If the judgment is not available in a print report and there is no neutral citation, cite an electronic database (e.g., CanLII, Quicklaw or Westlaw Canada).

If the judgment is available on CanLII as well as Quicklaw or Westlaw Canada, use the freely available CanLII citation in preference to a subscription-based electronic database:

| Database          | Citation Pattern   |
|-------------------|--|
| CanLII citation   | <i>Saskatchewan Student Aid Fund v Olsen</i> , 1995 CanLII 3942 (Sask CA)  |
| Quicklaw citation | <i>R v Otto</i> , [2005] SJ No 275 (QL) (QB) <ul style="list-style-type: none"> <li>• Always add “QL” to the citation to indicate it is a Quicklaw cite</li> <li>• The Quicklaw identifier “SJ” indicates “Saskatchewan judgments.”</li> </ul> |
| Westlaw citation  | <i>Heredi v Toth</i> , 1995 CarswellSask 416 (WL) (CA) <ul style="list-style-type: none"> <li>• Add “WL” to the citation to indicate it is a Westlaw Canada or a WestlawNext Canada cite.</li> </ul>   |



## 12. Unreported Judgments without a Neutral Citation

For the purposes of this Guide, a decision is considered unreported if it has no neutral citation and is not published in a print report or a database.

Provide the names of the parties, together with the name of the court, its jurisdiction, the court file number (if possible) and the date on which the judgment was rendered.

The format for citing an unreported decision is as follows:

**Case name (date) | judicial centre (if available), | docket number (if available) | (jurisdiction and court).**

*R v Duchek* (5 February 1997) Yorkton, CR 901-902/94 (Sask QB).

*Williams v Saskatchewan Government Insurance* (25 June 2009) Melfort, QBG 20/2009 (Sask QB).

*R v Noltcho* (9 April 1997) (Sask Prov Ct).

**NOTE:** Saskatchewan Provincial Court decisions: follow the pattern as much as possible. Add any information that might be helpful, e.g., the name of the judge.

## B. FOREIGN CASE LAW

When reference is made to a judgment of a foreign country, the rules of the country of origin are usually followed.

### 1. Britain and the Commonwealth

The rules for citing English cases, like those of other Commonwealth countries, are identical to the Canadian rules.

Cite the *Law Reports* (LR) in preference to the *Weekly Law Reports* (WLR) or the *All England Law Reports* (All ER).

The *Law Reports* are divided into series. Do not refer to the *Law Reports*, but rather to the series.

Abbreviate the series as follows:

| Reporter   | Abbreviation |
|--|--------------|
| <i>Appeal Cases</i><br>(House of Lords and Judicial Committee<br>of the Privy Council) | AC           |
| <i>Queen's Bench Division</i>  | QB           |
| <i>King's Bench Division</i>   | KB           |
| <i>Chancery</i>  | Ch           |
| <i>Family</i> (1972 to present)  | Fam          |

For example:

*Lindley v Rutter*, [1981] QB 128.

When a judgment is cited in the *English Reports* (ER), the reference to the original report must also be given. When citing a case to the ER, there is generally no need to identify the court:

*Millar v Taylor* (1769), 4 Burr 2303, 98 ER 201.

In the UK, judgments of the House of Lords, Privy Council, Court of Appeal and Administrative Court have been released with a neutral citation since 2001, as have those of the other parts of the High Court since 2002. The High Court of Australia adopted the neutral citation system in 1998. Since then, most courts in that country have done the same.

In England, Australia and New Zealand, the year of the decision of a neutral citation is indicated in square brackets:

*R v J.*, [2004] UKHL 42, [2005] 1 All ER 1.

*Luton v Lessels*, [2002] HCA 13, 210 CLR 333.

## 2. United States

There is currently no one uniform standard for neutral citation in the United States. *The Bluebook: A Uniform System of Citation* can be consulted for guidance when dealing with citations for decisions from the United States.

With two exceptions, the rules for citing American cases are similar to the Canadian rules:

- (1) The year of the judgment is placed at the end of the citation:

*Abbatte v United States*, 359 US 187 (1959).

*Adams v Federal Trade Commission*, 296 F2d 861 (8th Cir 1961).

- (2) It is not necessary to indicate the court if it is the highest court of the state. To determine whether the court in question is the highest state court, consult *The Bluebook*:

*People v Dorr*, 265 NE2d 601 (Ill 1971).

*Spalding v Preston*, 21 Vt 9 (1848).

*Northwestern National Insurance Co. v Middenberger*, 359 SW2d 380 (Mo Ct App 1962).

### ***US Supreme Court decisions***

It is preferable to cite decisions of the United States Supreme Court to the US reports. Prior to 1875 (volume 91), they were numbered consecutively for each editor. Place this number and the editor's name in parentheses after US:

*Worcester v State of Georgia*, 31 US (6 Pet) 515 (1832).

After 1875, there is no need to worry about the editor's name:

*Mills v Maryland*, 486 US 367 (1988).

### III. STATUTES AND REGULATIONS

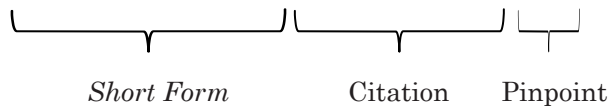
#### A. STATUTES

##### General Citation Pattern

***Title***, | **statute volume** (e.g., RSS) | **year**, | **chapter** | (**session or supplement**) (as needed), | **pinpoint** (as needed).

The format for citing legislation is to first state the short form of the Act, which is identified at the beginning of the statute. The short form is *italicized* followed by a comma, the abbreviation for the statute volume, the year of publication, and the chapter number<sup>1</sup>:

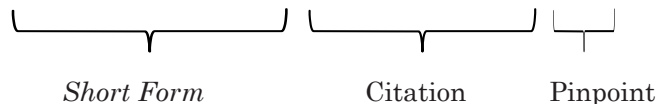
*The Sale of Goods Act*, RSS 1978, c S-1, s 58.


  
*Short Form*                      Citation                      Pinpoint

*Income Tax Act*, RSC 1985, c 1 (5th Supp), s 103.


  
*Short Form*                      Citation                      Pinpoint

*The Trustee Act, 2009*, SS 2009, c T-23.01, s 14.


  
*Short Form*                      Citation                      Pinpoint

##### 1. Saskatchewan Statutes

The Statutes of Saskatchewan were revised in 1978. When citing to these statutes, make sure the abbreviation for the Revised Statutes of Saskatchewan (RSS) is used.

Saskatchewan statutes include the article “The” as part of the English title:

*The Automobile Accident Insurance Act*, RSS 1978, c A-33.

French titles do not begin with an article.

Legislation enacted after 1978 should be cited to the bound volume in which it appears. Use the abbreviation SS, which stands for the *Statutes of Saskatchewan*.

*The Inter-jurisdictional Support Orders Act*, SS 2002, c I-10.03.

*The Personal Property Security Act*, SS 1993, c P-6.2.

<sup>1</sup>As noted earlier, abbreviations keep their periods in the body of a document; e.g., “The Court called for a combined approach to s. 241(2) of the *Canada Business Corporations Act*.”

## 2. Federal Statutes

Federal statutes were last revised in 1985. The abbreviation for the Revised Statutes of Canada is RSC. All acts that appeared in the 1985 consolidation, or in one of the supplements (there are five), should be cited as RSC.

Federal statutes do not include the article “the” as part of the title:

*Criminal Code*, RSC 1985, c C-46.

*Divorce Act*, RSC 1985, c 3 (2d Supp).

Acts that do not exist in the 1985 consolidation should be cited to the bound volume in which they appear. Use the abbreviation SC, which stands for the *Statutes of Canada*:

*Corrections and Conditional Release Act*, SC 1992, c 20.

## 3. Statutes of Other Provinces and Territories

Use the preceding rules when citing statutes from other provinces and territories. Modify the citation for each jurisdiction’s citation series.

Include “The” in the English titles of Acts from these provinces:

- Saskatchewan
- Manitoba
- Newfoundland
- Ontario (pre-1980 statutes).

Do not include “The” in the English titles of the Acts from these jurisdictions:

- Canada
- Alberta
- British Columbia
- New Brunswick
- Northwest Territories
- Nova Scotia
- Ontario (post-1980).

## 4. Canadian Charter of Rights and Freedoms

The complete citation for the *Charter* is as follows:

*Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act 1982*, being Schedule B to the *Canada Act 1982* (UK), 1982, c 11.

However, it is not necessary to provide the full citation. The first time it is used in a document, it can be referred to as the *Canadian Charter of Rights and Freedoms*. Thereafter, it can be referred to as the *Charter*.

## 5. Constitution Acts

The complete citation for the Constitution Acts most commonly referred to are as follows:

*Constitution Act, 1867* (UK), 30 & 31 Vict, c 3, reprinted in RSC 1985, App II, No 5.

*Constitution Act 1982*, being Schedule B to the *Canada Act 1982* (UK), 1982, c 11.

However, there is also no need to provide these full citations. The Constitution Acts of 1867 and 1982 can be cited as follows:

*Constitution Act, 1867.*

*Constitution Act, 1982.*

## B. PROVINCIAL REGULATIONS

Most Saskatchewan regulations have been revised. If a regulation has been revised, it has a chapter number. If it has not been revised, it has a “Sask Reg” number followed by the abbreviated year.

### 1. Revised Regulations

A citation to the revised regulations includes the title, *Revised Regulations of Saskatchewan* (RRS), the chapter number, and the Regulation number.

The citation pattern for revised provincial regulations is as follows:

***Title*, | RRS | chapter | regulation number.**

*The Conseil scolaire fransaskois Election Regulations*, RRS c E-0.2 Reg 4.

*The Slot Machine Regulations*, RRS c S-50 Reg 1.

*The Parks Regulations, 1991*, RRS c P-1.1 Reg 6.

**NOTE:** 1991 is included in the third example because it is part of the title of the regulation. Because there was never a consolidation of the regulations, a year is not attached to the “RRS.”

### 2. Unrevised Regulations

A citation to an unrevised regulation includes the title, the Sask Reg number and the year it came into force.

Citation pattern for unrevised provincial regulations is as follows:

***Title*, | Sask Reg number/year.**

*The Hospital Standards Regulations, 1980*, Sask Reg 331/79.

## C. FEDERAL REGULATIONS

Federal regulations were last revised in 1978 in the *Consolidated Regulations of Canada, 1978*. Therefore, if the regulation existed in the 1978 consolidation, cite to the CRC.

### 1. Revised Regulations

***Title*, | CRC, | chapter, | pinpoint (as needed) | (year of revision, optional).**

*Civil Service Insurance Regulations*, CRC, c 401, s 5 (1978).

If the regulation came into force after the consolidation, cite to the SOR (Statutory Orders and Regulations) number.

## 2. Unrevised regulations

**Title** (optional), | **SOR/** | **year-regulation number**, | **pinpoint** (as needed).

*Canadian Turkey Marketing Quota Regulations, 1990*, SOR/90-231, s 7.

In this example, the “90” represents the year the regulation came into force. More recent years will be represented by four digits:

*Children’s Sleepwear Regulations*, SOR/2011-15.

# IV. SECONDARY SOURCES, GOVERNMENT DOCUMENTS AND INTERNATIONAL MATERIALS

## A. BOOKS

Keep the periods in the author’s name and in the title, but do not include periods in the remainder of the citation.

### General Citation Pattern

**Author(s)**, | **Title**, | **edition** (as needed), | **volume number** (as needed) | **(Place of Publication: Publisher, year of publication)** | **pinpoint** (as needed).

Randal N. Graham, *Statutory Interpretation: Theory and Practice* (Toronto: Emond Montgomery Publications, 2001).

Richard Tremblay, *L’essentiel de l’interprétation des lois* (Cowansville, Que: Éditions Yvon Blais, 2004).

S.M. Waddams, *The Law of Contracts*, 3d ed (Toronto: Canada Law Book, 1993).

The Honourable William A. Stevenson & The Honourable Jean E. Côté, *Civil Procedure Encyclopedia*, vol 2 (Edmonton: Juriliber, 2003).

### 1. Author

- List the author’s name as it is presented on the title page of the book.
- Include titles (e.g., Madam Justice) if they appear on the title page. Do not include degrees or credentials.
- Include up to three authors, separating the first two authors’ names with a comma and the last two with an ampersand (&).
- If there are more than three authors, include only the first author’s name and *et al* (in italics but no periods).
- In a list of authorities or bibliography, place the surname first. See Appendix B for examples.

### 2. Edition Statement

- Abbreviate the word *edition* to “ed” and omit the period.
- Abbreviate the edition as follows: 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, etc.

### 3. Place of Publication

- Indicate the place of publication as it appears on the title page or the copyright page on the other side of the title page.
- If more than one place of publication is listed, include the first place only.
- If no place of publication is listed, write “np” without a period.
- If the province, state, or country is needed to identify the place of publication, include it.
- If a location could be confused with another, provide additional information (e.g., London, Ont and London, UK)

### 4. Publisher

- Write the publisher’s name as it appears on the title page.
- Omit the definite article “the,” even if it is the first word of the name.
- Omit terms that identify corporate status – Ltd., Inc., etc.
- If no publisher is listed, write “no publisher.”

### 5. Year

- Use the most recent copyright date, unless a year of publication is given.
- Do not cite the year of printing.
- If no year is listed, write “nd.”

### 6. Pinpoint Reference

A pinpoint is a reference to a particular paragraph or page. Where it is possible to cite to either the page number or the paragraph number, cite to the paragraph.

- Place the pinpoint after the publication information.
- Begin references to page numbers or paragraph numbers with “at.”
- Paragraph pinpoints can be “at para” or “at paras” or use the paragraph symbol ¶ (also known as a pilcrow):

Ronald C.C. Cuming & Roderick J. Wood, *Saskatchewan and Manitoba Personal Property Security Acts Handbook* (np: Carswell, 1994) at 453–54.

Michel Bastarache & Andréa Boudreau Ouellet, *Précis du droit des biens réels*, 2d ed (Cowansville, Que: Éditions Yvon Blais, 2001) at 27.

Victor Di Castri, *The Law of Vendor and Purchaser*, loose-leaf (2013-Rel 10) 3d ed, vol 2 (Toronto: Carswell, 1988) at para 689.

## B. EDITOR OR REVISER OF THE TEXT OF ANOTHER

### General Citation Pattern

**Editor, | ed, | Title, | edition | (Place of Publication: Publisher, year of publication) | pinpoint** (as needed).

If the author’s name is part of the title, treat the editor as the author, followed by “ed”:

H.G. Beale, ed, *Chitty on Contracts*, 31st ed (London: Sweet & Maxwell, 2012).

## C. COLLECTIONS OF ESSAYS

### General Citation Pattern

**Author of essay**, | **“Title of Essay”** | **in** | **editor** (as needed), | **ed**, | ***Title of Book*** | **(Place of Publication: Publisher, year of publication)** | **first page of essay** | **pinpoint** (as needed).

David Wright, “The Crown and Remedies” in Jeff Berryman & Rick Bigwood, eds, *The Law of Remedies: New Directions in the Common Law* (Toronto: Irwin Law, 2010) 469 at 471.

- Place the name of the author and the title of the essay before the collection.
- Follow the name(s) of the editor(s) of the collection by “ed” or “eds,” placed between commas. Some collections have no named editor. Do not provide any editor in such cases.
- Provide the title of the collection in italics.

## D. LOOSE-LEAF MATERIALS

Indicate the source is in loose-leaf format after the title.

### General Citation Pattern

**Author(s)**, | ***Title***, | **loose-leaf (release number)** | **edition** (as needed), | **volume number** (as needed) | **(Place of Publication: Publisher, year of publication)** | **pinpoint** (as needed).

Mark M. Orkin, *The Law of Costs*, loose-leaf (Rel 44, June 2014) 2d ed, vol 2 (Toronto: Canada Law Book, 2014) at para 402.

Tim Quigley, *Procedure in Canadian Criminal Law*, loose-leaf (2014-Rel 1) 2d ed (Toronto: Carswell, 2005).

Peter W. Hogg, *Constitutional Law of Canada*, loose-leaf (2013-1) 5th ed, vol 1 (Toronto: Carswell, 2007) at 5–20.

- Include the release number, which can include a date, generally located at the front of the binder.
- Cite to the year of publication that appears on the copyright page of the loose-leaf volume.
- Pinpoint to a loose-leaf volume via paragraph references where available rather than page references since the former remain consistent over the life of a volume.

## E. JOURNAL ARTICLES

Keep the punctuation (periods) in the author’s name and in the title of the article, but do not include periods in the remainder of the citation.

### General Citation Pattern

**Author(s)**, | **“Title of Article”** | **(year)** | **volume** | **Journal or Review Name** | **first page number** | **(Electronic Service)** (if applicable) | **pinpoint** (as needed).

Jaime Carlson *et al*, “On the Road to Fairness: Redesigning Saskatchewan’s Administrative Tribunal System” (2010) 73 Sask Law Rev 309 at 311.

- If a journal is organized by volume number, indicate the year of publication in parentheses.
- If a journal is organized by year rather than by volume number, provide the year in square brackets.



### 1. Halsbury's Laws of Canada

*Halsbury's Laws of Canada, Debtor and Creditor*, 1st ed (Markham: LexisNexis, 2010) at para HDC-6.

### 2. Journal Articles in Electronic Services

If citing to an article found in an electronic source such as Quicklaw, WestlawNext Canada, or HeinOnline, without pinpointing, use the traditional citation.

If pinpointing to the page number of an article found in an electronic source where the original journal's page numbers are displayed (such as in the PDF version), there is no need to indicate the name of the electronic source used.

Indicate the electronic source used when pinpointing to a paragraph number. This is done because at times, database providers add paragraph numbers to the online version of an article where they don't exist in the print version:

Jaime Carlson *et al*, "On the Road to Fairness: Redesigning Saskatchewan's Administrative Tribunal System" (2010) 73 Sask Law Rev 309 (QL) at para 22.

### 3. Online Journals

#### General Citation Pattern

**Traditional citation, | online: | (year) | volume:issue (as needed) | journal | article number | pinpoint | <url>.**

Robert Danay, "The Medium is Not the Message: Reconciling Reputation and Free Expression in Cases of Internet Defamation," online: (2010) 56:1 McGill Law Journal <<http://lawjournal.mcgill.ca/userfiles/other/5885046-Danay.pdf>>.

### F. WEBSITES

#### General Citation Pattern

**Traditional citation, | online: | name of website | <url> | (date accessed).**

Tamara M. Buckwold & Ronald C.C. Cuming, *Modernization of Saskatchewan Money Judgment Enforcement Law: Final Report*, (Saskatoon: University of Saskatchewan, College of Law, 2005), online: Queen's Printer (Saskatchewan) <[www.qp.gov.sk.ca/orphan/je\\_final\\_report.pdf](http://www.qp.gov.sk.ca/orphan/je_final_report.pdf)> (19 November 2013).

### G. HANSARD

#### 1. Provincial

##### General Citation Pattern

**Jurisdiction, | Legislature, | Title, | number of Legislature and Session | (date) | pinpoint | Speaker (if desired).**

Saskatchewan, Legislative Assembly, *Debates and Proceedings (Hansard)*, 24th Leg, 1st Sess (7 June 2000) at 1626 (Mr. Toth).

- This pattern may be used to cite any government debates, minutes, reports and so on.

## 2. Federal

### General Citation Pattern

***Title***, | **Parliament and Session** | **(date)** | **pinpoint** | **(Speaker)** (if desired).

*House of Commons Debates*, 37th Parl, 1st Sess (17 May 2001) at 4175 (Hon. Elinor Caplan).

## V. APPENDIX A: ADOPTION OF NEUTRAL CITATIONS BY CANADIAN COURTS<sup>2</sup>

| Court Identifier | Court   | Date Introduced |
|------------------|---|-----------------|
| SCC              | Supreme Court of Canada                                   | 2000            |
| FC               | Federal Court of Canada - Trial Division                  | February 2001   |
| FCA              | Federal Court of Canada - Appeal Division                 | February 2001   |
| ABCA             | Alberta Court of Appeal                                   | 1998            |
| ABQB             | Alberta Court of Queen's Bench                            | 1998            |
| BCCA             | British Columbia Court of Appeal                          | 1999            |
| BCSC             | Supreme Court of British Columbia                         | 2000            |
| MBCA             | Manitoba Court of Appeal                                  | March 2000      |
| MBQB             | Court of Queen's Bench of Manitoba                        | April 2007      |
| NBCA             | Court of Appeal of New Brunswick                          | May 2001        |
| NBQB             | Court of Queen's Bench of New Brunswick                   | 2002            |
| NFCA             | Supreme Court of Newfoundland & Labrador, Court of Appeal | 2001            |
| NLSCTD           | Supreme Court of Newfoundland & Labrador, Trial Division  | July 2003       |
| NSCA             | Nova Scotia Court of Appeal                               | September 1999  |
| NSSC             | Supreme Court of Nova Scotia                              | December 2000   |
| NUCA             | Court of Appeal of Nunavut                                | May 2006        |
| NUCJ             | Nunavut Court of Justice                                  | 2001            |
| NWTCA            | Court of Appeal for the Northwest Territories             | December 1999   |

| <b>Court Identifier</b> | <b>Court</b>   | <b>Date Introduced</b> |
|-------------------------|--|------------------------|
| NWTSC                   | Supreme Court of the Northwest Territories             | October 1999           |
| ONCA                    | Court of Appeal for Ontario                            | 2007                   |
| ONCJ                    | Ontario Court of Justice                               | 2004                   |
| ONSC                    | Ontario Superior Court of Justice                      | 2010                   |
| PESCAD                  | Prince Edward Island Supreme Court,<br>Appeal Division | 2000                   |
| PESCTD                  | Prince Edward Island Supreme Court,<br>Trial Division  | 2000                   |
| QCCA                    | Court of Appeal of Quebec                              | 2005                   |
| QCCS                    | Superior Court of Quebec                               | 2006                   |
| SKCA                    | Court of Appeal for Saskatchewan                       | 2000                   |
| SKQB                    | Saskatchewan Court of Queen's Bench                    | 1999                   |
| SKPC                    | Provincial Court of Saskatchewan                       | 2002                   |
| YKCA                    | Yukon Court of Appeal                                  | March 2000             |
| YKSC                    | Supreme Court of the Yukon Territory                   | March 2000             |

<sup>2</sup>Neutral citations adopted in January of the indicated year unless otherwise indicated.

## VI. APPENDIX B: LIST OF AUTHORITIES/BIBLIOGRAPHY

The following is provided as an example of a “List of Authorities” and how entries are ordered alphabetically.

The only differences between in-text or footnoted citations and citations listed in a List of Authorities or Bibliography is that all pinpoint references are removed in a List of Authorities and the author's surname is placed first for any secondary sources. End the entry with a period.

**LIST OF AUTHORITIES*****Statutes***

*Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act 1982*, being Schedule B to the *Canada Act 1982* (UK), 1982, c 11.

*Citizenship Regulations*, 1993, SOR/93-246.

*Divorce Act*, RSC 1985, c 3 (2d Supp).

*The Administration of Estates Act*, SS 1998, c A-4.1.

*The Automobile Accident Insurance Act*, RSS 1978, c A-33.

*The Conseil scolaire fransaskois Election Regulations*, RRS c E-0.2 Reg 4.

*The Hospital Standards Regulations*, 1980, Sask Reg 331/79.

*The Inter-jurisdictional Support Orders Act*, SS 2002, c I-10.03.

*The Personal Property Security Act*, SS 1993, c P-6.2.

***Case Law***

*Canada (Attorney General) v H.L.*, [2003] 5 WWR 421 (Sask CA).

*Gray v Wiegers*, 2008 SKCA 7, 291 DLR (4th) 176.

*Millar v Taylor* (1769), 4 Burr 2303, 98 ER 201.

*Northwestern National Insurance Co. v Middenberger*, 359 SW2d 380 (Mo Ct App 1962).

*Williams v Saskatchewan Government Insurance* (25 June 2009) Melfort, QBG 20/2009 (Sask QB).

***Secondary Sources***

Buckwold, Tamara M. & Cuming, Ronald C.C. *Modernization of Saskatchewan Money Judgment Enforcement Law: Final Report*, (Saskatoon: University of Saskatchewan, College of Law, 2005), online: Queen's Printer (Saskatchewan) <[www.qp.gov.sk.ca/orphan/je\\_final\\_report.pdf](http://www.qp.gov.sk.ca/orphan/je_final_report.pdf)> (19 November 2013).

Hogg, Peter W. *Constitutional Law of Canada*, loose-leaf (2013-1) 5th ed, vol 1 (Toronto: Carswell, 2007).

Luther, Emily. "Justice for All Shapes and Sizes: Combatting Weight Discrimination in Canada" (2010) 48 Alta L Rev 167.

MacDougall, Bruce. *Estoppel*, 2d ed (Markham: LexisNexis, 2012).

Tremblay, Richard. *L'essentiel de l'interprétation des lois* (Cowansville, Que: Éditions Yvon Blais, 2004).

GENERAL APPLICATION PRACTICE DIRECTIVE NO. 7  
ADJOURNMENT OF CHAMBER PROCEEDINGS

**REFERENCE: GA-PD NO. 7**

**Effective:** February 1, 2016

**Revised:** November 1, 2023

**Consent Adjournments**

**1** Where all parties involved in an application have consented to adjourn a matter scheduled for chambers, appropriate notice of the request to adjourn by consent pursuant to Rule 6-16(1) of *The King's Bench Rules*, must be provided to the local registrar as soon as possible, and in any event, no later than 4:00 p.m. on the:

- (a) Thursday preceding Monday chambers;
- (b) Friday preceding Tuesday chambers;
- (c) Monday preceding Wednesday chambers;
- (d) Tuesday preceding Thursday chambers; or
- (e) Wednesday preceding Friday chambers.

**2** Where appropriate notice of the request to adjourn by consent is received in accordance with the time set out in paragraph 1, the local registrar shall adjourn the matter to the date agreed upon and no party will be required to attend chambers to speak to the adjournment unless the presiding Judge otherwise directs.

**3** Where appropriate notice of the request to adjourn by consent is not received by the local registrar in accordance with the time set out in paragraph 1, the parties must:

- (a) notify the local registrar as soon as possible that a request to adjourn the matter will be made; and
- (b) attend chambers to speak to the adjournment unless the presiding Judge otherwise directs.

**4** Pursuant to Rule 6-16, "appropriate notice of the request to adjourn by consent" means a written request to adjourn signed by all parties involved in the application (or their lawyers or agents), unless the local registrar considers it appropriate to accept an oral consent.

**Adjournment Requests without Consent**

**5** Any party seeking to adjourn a matter scheduled for chambers, without the consent of all parties involved in the application must, as soon as possible:

- (a) advise the local registrar of their intention to seek an adjournment; and
- (b) whenever possible, serve and file a written explanation of the reasons for seeking an adjournment and, if known, the reasons why consent from the other parties involved in the application has not been provided.

***The Child and Family Services Act Matters***

**6** This practice directive does not apply to proceedings under *The Child and Family Services Act*, SS 1989-90, c C-7.2.

Chief Justice M.D. Popescul,  
Court of King's Bench for Saskatchewan.

GENERAL APPLICATION PRACTICE DIRECTIVE NO. 8  
COMMUNICATION AND CORRESPONDENCE WITH JUDGES

**REFERENCE: GA-PD NO. 8**

Former reference: Administrative Notice issued June 20, 2013

**Effective:** May 1, 2018

**Revised:** November 1, 2023

- 1** Unless specifically provided for in *The King's Bench Rules* or this practice directive, lawyers or parties to a court proceeding must not, by any means, communicate directly or indirectly with a judge outside of court, about a proceeding before the court.
- 2** An informal communication in accordance with this practice directive is permitted in the following circumstances:
  - (a) in accordance with a judge's fiat or written direction;
  - (b) the communication is in writing and does no more than provide a case citation;
  - (c) the communication is in writing and is for the purpose of notifying the court of the party's objection to a without notice application by the opposing party;
  - (d) the communication only relates to scheduling, including adjournments or cancellation of proceedings.
- 3** Any informal communication by letter, email, telephone or other means, must be addressed to the local registrar, unless a judge specifically grants permission to allow direct contact.
- 4** At the same time that any party provides an informal communication to the local registrar, a copy of the informal communication shall be directed to all opposing parties.
- 5** Informal communications, while less formal, are subject to the same principles of civility as any other court proceedings.
- 6** Where a person seeks to communicate with a judge in a matter not related to proceedings before the court, but in the judge's capacity as a judge, a request to communicate directly with a judge should be made through a local registrar.

Chief Justice M.D. Popescul,  
Court of King's Bench for Saskatchewan.

New. Gaz. 10 Nov. 2023.

GENERAL APPLICATION PRACTICE DIRECTIVE NO. 9  
SCHEDULING OF SUMMARY JUDGMENT, SET ASIDE  
AND JUDICIAL REVIEW APPLICATIONS

**REFERENCE: GA-PD NO. 9**

**Effective:** November 1, 2019

**Revised:** March 1, 2022; May 16, 2022; November 1, 2023

**1** This practice directive applies to all applications for summary judgment made pursuant to either Rule 7-2 or Rule 15-88 of *The King's Bench Rules*, to set aside applications made pursuant to Rule 3-49(1), and originating applications for judicial review made pursuant to Rule 3-56(1).

**2** All summary judgment applications, set aside applications, and originating applications for judicial review shall be initially made returnable in chambers on any of the days designated for that purpose.

**3** The initial appearance in chambers will be for the purpose of managing the application and, after consultation with the parties, and when appropriate, ordering that a date and time for the hearing of the application be scheduled.

**4** At the initial appearance, each party will be expected to speak to their readiness to proceed to a hearing, to provide their estimation as to the amount of time required to complete the hearing, identify any preliminary issues, and advise whether the matter is urgent.

**5** The chambers judge at the initial appearance will manage the application, which may include determining the parties' readiness to proceed, deciding the amount of time necessary to hear the application, setting timelines when certain actions are to be taken, resolving preliminary issues and, when appropriate, ordering that a date and time for the application be scheduled to be heard.

**6** The hearing date for the summary judgment, set aside, or judicial review will be scheduled as soon as possible, having regard to the issues raised by the application.

**7** Although, in most situations, the merits of the application will not be determined at the initial appearance, nothing in this notice is intended to prohibit the chambers judge from immediately hearing and deciding the application if, in the opinion of the chambers judge, it is appropriate to do so.

**8** Rule 6-16(1) of *The King's Bench Rules* and General Application Practice Directive No. 7, respecting Adjournment of Chamber Proceedings, apply to the applications covered by this practice directive.

Chief Justice M.D. Popescul,  
Court of King's Bench for Saskatchewan.

GENERAL APPLICATION PRACTICE DIRECTIVE NO. 10  
AUDIO/VIDEO RECORDING OR BROADCASTING COURT PROCEEDINGS

**REFERENCE: GA-PD NO. 10**

**Effective:** August 1, 2021

**Revised:** November 1, 2023

**Authorization required**

1 Except as authorized, the audio/video recording or broadcasting of court proceedings, portions thereof or ceremonies within courtrooms or of people or events within court houses is prohibited. For the purpose of this practice directive, audio/video recording includes still photography.

**Scope**

2 This practice directive describes the general process by which a media organization may seek authorization from the Court to audio/video record and/or broadcast any court proceeding or ceremony occurring in a courtroom, by any device, machine or system including cameras and audio/video recording equipment.

3 This practice directive is subject to any specific order or direction to the contrary by the judge presiding over the court proceeding or the ceremony.

4 Nothing in this practice directive is intended to modify, grant or extend the scope of public access to proceedings that, by law or rules, are required or determined to be confidential.

5 While the Court recognizes the importance of media access to court proceedings, the fairness and integrity of those proceedings is always a significant consideration. Typically, the following proceedings will not be considered for broadcast:

- (a) any proceeding in which a party to the proceeding is under the age of 18 years, or was under the age of 18 years at the time of the event that gave rise to the proceedings;
- (b) family law and child protection proceedings;
- (c) bail and detention reviews;
- (d) proceedings relating to sexual offences;
- (e) proceedings involving trade secrets or business information of a confidential nature;
- (f) matters that would identify or tend to identify a confidential informant, undercover police officer, police investigative technique, police intelligence or other sensitive information;
- (g) applications for challenges to a jury panel, jury selection and proceedings in jury trials conducted in the absence of the jury, including all pre-trial applications in relation to jury trials;
- (h) proceedings in which the public has been excluded by order under the *Criminal Code*;
- (i) proceedings where the safety of a participant may be jeopardized by broadcast;
- (j) pre-hearing conferences; and
- (k) applications for publication bans and applications for broadcast.



**Twitter and texting from courtrooms**

6 In accordance with the Saskatchewan Law Courts protocol, “Twitter and Other Text-Based Forms of Media Communication from Saskatchewan Courtrooms”, and subject to the direction or order of the presiding judge, authorized media displaying card identification may use, in silent mode, a mobile phone, small laptop or other similar piece of equipment to perform live text-based communications from court.

**Audio/video recording by media**

7 In accordance with Saskatchewan Law Courts policy, “Electronic and Wireless Devices Policy”, and subject to the direction or order of the presiding judge, authorized media displaying card identification may audio record court proceedings for the sole purpose of accurate reporting provided the recording is not broadcast or transmitted by any means.

**Ceremonies**

8 A ceremony occurring in a courtroom may not be recorded by any means except with the permission of the presiding judge. Media organizations may apply for authorization from the Court to audio/video record and/or broadcast a ceremony occurring in a courtroom by filing a written request with the local registrar at least two days before the scheduled ceremony.

**Application procedure**

9 An application for authorization to audio/video record or broadcast a court proceeding may be made by or on behalf of a media organization [applicant] and must be made by Notice of Application in Form A accompanied by supporting documentation.

10 The supporting documentation must include:

- (a) the affidavit evidence that supports the application;
- (b) a blank Form B [Response to Application for Authorization to Audio/Video Record and/or Broadcast Court Proceedings];
- (c) draft order;
- (d) any other material intended to be relied upon to support the application;
- (e) a written argument addressing the impact of the authorization sought on:
  - (i) fair trial rights;
  - (ii) privacy interests;
  - (iii) witnesses in the proceeding; and
  - (iv) the court and the administration of justice;
- (f) proof of service.

11 Unless the Court otherwise orders, the Notice of Application and supporting documentation must be served on all parties and filed with the Court not less than 90 days prior to the start of the scheduled court proceeding sought to be audio/video recorded or broadcast.

12 The Court or presiding judge may require that the Notice of Application and supporting material be served on other persons or entities in order to provide them the opportunity to participate in the application.

**13** In a civil law proceeding, the parties or other persons or entities as may be ordered by the Court or presiding judge may be served at their address for service in accordance with Part 12 of *The King's Bench Rules*. In a criminal proceeding or any other proceeding where a party has not provided an address for service, the application must be personally served on the party or their lawyer of record unless the party agrees to accept service by other means and provides a signed acknowledgment of service in accordance with Form 12-3 of *The King's Bench Rules*.

#### **Draft order and standard conditions**

**14** The applicant's draft order should include the standard conditions set out in Schedule 1 to this practice directive unless the applicant in its application provides reasons why the standard conditions should not apply in the circumstances.

#### **Notice to witnesses**

**15** Parties or their counsel shall inform any witnesses they intend to call to testify in the court proceeding, of the application as soon as possible after initiating or receiving the Notice of Application, and provide them with a copy of the Notice of Application and supporting documentation.

#### **Notice of objection or consent by party or witness**

**16** A party, witness or other person or entity who has received notice of this application may file with the Court a completed Form B within 30 days of receiving the Notice of Application and supporting material in which they state whether they:

- (a) object to the application;
- (b) consent to the application in accordance with the draft order that was attached to the Notice of Application; or
- (c) consent to the application upon certain terms and conditions set forth in Form B.

#### **Hearing**

**17** Unless the presiding judge directs that the application be set down to be heard, the application will be decided upon the material filed in support of or in opposition to the application. Should the presiding judge direct that the application be set down to be heard, the local registrar will notify the applicant, the parties and any other person or entity that have filed a response to the application in Form B, of the date and time when the matter will be heard.

#### **Pooling agreement**

**18** A media organization permitted to use a camera or other audio/video recording device in a courtroom must, if requested to do so, make arrangements to contemporaneously share the resulting recording or data with any other media organization which agrees to abide by the terms and conditions imposed by the presiding judge respecting the audio/video recording or broadcasting of court proceedings. The Court will not adjudicate disputes as to compliance with this aspect of this policy; however, an instance of non-compliance may, if brought to the Court's attention, result in the summary suspension or revocation of leave to use a camera or other audio/video recording device in a courtroom.

**Compliance with publication bans and other applicable legislation**

**19** The authorization to audio/video record or broadcast a court proceeding does not relieve anyone from an obligation to comply with the legal requirements of a statutory or court-ordered publication ban in effect with respect to a proceeding. Further, any order granted does not affect any rights and obligations under *The Privacy Act*, RSS 1978, c P-24.

**Physical criteria for recording equipment and personnel**

**20** Unless the Court otherwise orders, the following criteria apply to the use of audio/video recording equipment in the courtroom by authorized audio/video media:

- (a) no more than one audiovisual recording device [Recording Device] is allowed in the courtroom;
- (b) the Recording Device and operating personnel must be in place and ready to proceed in an area designated by the Court at least 10 minutes prior to the scheduled commencement of the hearing;
- (c) operating personnel in the courtroom must be suitably attired in business dress, and must conduct themselves in a manner in keeping with judicial proceedings;
- (d) the Recording Device and operating personnel must remain in place while the court is in session;
- (e) the Recording Device must be turned off when court is not in session (e.g., during breaks);
- (f) the Recording Device must be unobtrusive; and
- (g) all other equipment must be left outside the courtroom and must not impede public access to a courtroom or circulation within the court house.

**Specific restrictions on recording**

**21** The following restrictions and prohibitions apply in all proceedings where authorization to record or broadcast has been granted:

- (a) there must be no video recording or broadcasting of:
  - (i) members of the jury at any time;
  - (ii) members of the public in attendance in the courtroom;
  - (iii) materials on counsel tables, or in counsel's possession, or of any materials used in the examination of a witness that have not been admitted into evidence;
  - (iv) any conversations between counsel or between counsel and their clients, witnesses or anyone else at any time; or
  - (v) subject to the Court's order, any witness, counsel or other participant in the proceedings who objects to being video recorded.
- (b) the video recorded or broadcast image of a person must be tightly framed and must not show less than the person's head and shoulders.

**Delay in broadcasting**

**22** Unless the presiding judge or registrar otherwise orders, there must be a delay of at least two (2) hours between the conclusion of the morning or the afternoon court session at which the audio/video recording was made and the time of broadcasting.

**Application to vary**

**23** An audio/video recording of a court proceeding may only be used for the purpose(s) authorized and only during the time period specified in the authorization. An application to vary the terms of the authorization (e.g., use or broadcast the recording for any other purpose, amend a condition) must be the subject of a separate application. Further, the Court may revoke, suspend or vary any order granted at any time during the proceedings should the presiding judge deem it necessary to do so.

**Storage**

**24** The authorized media organization must retain and securely store any recordings of the proceedings for a period of at least three years from the conclusion of the proceeding of which the recordings were made [Retention Period].

**25** During the Retention Period, the authorized media organization must make the video recording(s) available to the Court upon the direction of the Chief Justice or his or her designate.

**Notice to public gallery**

**26** The local registrar will place a notice on the exterior of the door of the courtroom to notify the public that the proceeding therein is subject to being recorded or transmitted.

**Costs**

**27** A member of the media who has been authorized to use a camera in a courtroom will bear all costs associated with that use, subject to any arrangements the member may make with other members of the media in furtherance of the pooling agreement referred to in section 18 of this practice directive.

Chief Justice M.D. Popescul,  
Court of King's Bench for Saskatchewan.

New. Gaz. 10 Nov. 2023.

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**SCHEDULE 1****STANDARD CONDITIONS**

**1** Cameras or other recording or transmitting devices shall not be used to record or transmit:

- (a) any document or other record, whether hardcopy or electronic, that is located or visible on the dais, the clerk's desk or a counsel table in any way that might allow the text thereof to be magnified, read, understood or discerned by anyone;
- (b) private dialogue between or among legal counsel or between or among legal counsel and their clients in any way that might allow the content of the dialogue to be understood or deciphered by anyone;
- (c) any images of members of the jury or the jury panel;

- (d) images of the accused except when providing testimony or otherwise speaking on the invitation of the presiding judge;
  - (e) images of the public gallery that can identify members of the public in attendance in the courtroom;
  - (f) images of the courtroom when court is not in session, including short breaks;
  - (g) in the case of a jury trial, court proceedings when the jury is absent from the courtroom notwithstanding that court is in session; and
  - (h) images of any exhibit that is or contains an intimate image of any person living or dead and any images of a corpse.
- 2** There shall be no more than \_\_\_\_\_ camera(s) in the courtroom that remain in the space within the courtroom designated by the Court.
- 3** The camera shall be fixed in place and ready to operate before the opening of court and shall be maintained in good working order and operate without distraction.
- 4** No lighting equipment may be brought in or used in the courtroom.
- 5** The camera operator and other media personnel:
- (a) must not move about the courtroom when the court is in session, and otherwise remain unobtrusive;
  - (b) must be suitably attired in business dress; and
  - (c) must conduct themselves in a manner in keeping with judicial proceedings.
- 6** The photograph(s) or recording:
- (a) may only be broadcast for the purpose of informing the public of the court proceedings; and
  - (b) may not be altered or edited in such a way as to mislead the public or to mock or denigrate the judicial system or any of the participants in the proceeding.
- 7** A copy of the recording must be provided to the Court upon request of the Court.
- 8** There must be a delay of at least two hours between the conclusion of the morning or the afternoon court session at which the video recording was made and the time of broadcast.
- 9** The Court may at any time before a recording is broadcast order that the record or portion of the record not be broadcast. The Court may further order that a record that has not been broadcast be destroyed.
- 10** No person shall create a written transcript of the court proceeding except with leave of the Court.
- 11** The terms of this order apply to all persons who are authorized to share in or use the recorded images.

**FORM A**

COURT FILE NUMBER \_\_\_\_\_

COURT OF KING'S BENCH FOR SASKATCHEWAN

JUDICIAL CENTRE \_\_\_\_\_

**IN THE MATTER OF**PARTY/RESPONDENT \_\_\_\_\_, *versus*  
*Name of Plaintiff/Applicant or His Majesty the Crown*PARTY/RESPONDENT \_\_\_\_\_  
*Name of Defendant/Respondent or Accused***AND**

APPLICANT (media) \_\_\_\_\_

RESPONDENT(s) \_\_\_\_\_  
*Other persons or entities to which notice is given***NOTICE OF APPLICATION FOR AUTHORIZATION TO AUDIO/VIDEO RECORD  
AND/OR BROADCAST COURT PROCEEDINGS**I, \_\_\_\_\_, am a representative of \_\_\_\_\_,  
*(name of person making the application)* *(media organization)*

hereby make application for an order authorizing the audio/video recording and/or broadcasting of the within court proceeding, at a date and time to be fixed by the local registrar.

As a party in this action and/or as a respondent in this application, you and any witness you intend to call to testify have the right to state your position on this application before the Court.

*(Read the Notice at the end of this document to see what you can and must do and when you must do it.)*

**Remedy claimed or sought:**

1. The Applicant seeks an order to:

- ☐ audio record
- ☐ video record
- ☐ both audio and video record
- ☐ broadcast

(a) The following proceeding: *(Here describe the type of proceeding, the date it is scheduled to commence and if it is intended to record the entire proceeding or portion thereof.)*

\_\_\_\_\_  
\_\_\_\_\_

(b) By the following means: *(Here describe the recording device and broadcast medium.)*

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(c) For the following purpose: *(Here describe the purposes for which the recording will be used, e.g. television newscast, documentary, podcast, etc.)*

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in accordance with the draft order attached to this Notice of Application.

**Material or evidence to be relied on:**

2. The Applicant intends to rely upon and file with the Court the following supporting documentation:

- (a) the affidavit evidence that supports the application;
- (b) draft order;
- (c) any other material intended to be relied upon to support the application;
- (d) a written argument addressing the impact of the authorization sought on:
  - (i) fair trial rights;
  - (ii) privacy interests;
  - (iii) witnesses in the proceeding; and
  - (iv) the court and the administration of justice.
- (e) proof of service.

**Applicable Rules:**

3. This application is subject to the applicable *King's Bench Rules* and Practice Directive – *Recording and Broadcasting of Court Proceedings*. *(The King's Bench's Rules and Practice Directives are available on the Courts' website at [www.sasklawcourts.ca](http://www.sasklawcourts.ca).)*

**Applicable Acts and Regulations:**

4. *The Privacy Act*, R.S.S. 1978, c.P-24. *(Here include any other Acts or Regulations the Applicant considers applicable.)*

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DATED at \_\_\_\_\_, Saskatchewan, this \_\_\_\_\_ day  
of \_\_\_\_\_, 2 \_\_\_\_\_.

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*(signature)*

**NOTICE**

Provide a copy of this Notice of Application (Form A) and Response (Form B) (attach Form B to this Application) to any witness you have subpoenaed or intend to call as a witness in the proceeding.

You, a witness or your respective lawyers, may object or consent to the application in whole or in part by completing the Response (Form B) and filing it with the Court within 30 days of your receipt of this notice. A copy of the completed Form B and any other material you intend to file should be provided to the applicant at their address below.

If the presiding judge directs that the application is to be set down to be heard, the local registrar will contact you (at the contact information you have provided in Form B), to notify you of the location date and time of the hearing. At that time you may request to appear on the application by phone.

If you do not file a Response and do not come to Court either in person, by phone or by your lawyer, the Court may give the applicant(s) what they want in your absence. You will be bound by any order that the Court makes.

**CONTACT INFORMATION AND ADDRESS FOR SERVICE OF APPLICANT****Lawyer for the Applicant:**

Name of firm: \_\_\_\_\_

Name of lawyer in charge of file: \_\_\_\_\_

Address of legal firms: \_\_\_\_\_

*(set out the street address)*

Telephone number: \_\_\_\_\_

Fax number *(if any)*: \_\_\_\_\_

E-mail address *(if any)*: \_\_\_\_\_



**FORM B**

COURT FILE NUMBER \_\_\_\_\_

COURT OF KING'S BENCH FOR SASKATCHEWAN

JUDICIAL CENTRE \_\_\_\_\_

**IN THE MATTER OF**PARTY/RESPONDENT \_\_\_\_\_, *versus*  
*Name of Plaintiff/Applicant or His Majesty the Crown*PARTY/RESPONDENT \_\_\_\_\_  
*Name of Defendant/Respondent or Accused***AND**

APPLICANT (media) \_\_\_\_\_

RESPONDENT(s) \_\_\_\_\_  
*Other persons or entities to which notice is given***RESPONSE TO APPLICATION FOR AUTHORIZATION TO AUDIO/VIDEO  
RECORD AND/OR BROADCAST COURT PROCEEDINGS**

I, \_\_\_\_\_, am:

- ☐ a party in this action;
- ☐ a witness who has been asked or subpoenaed to testify on behalf of a party in this action;
- ☐ a lawyer for \_\_\_\_\_ who is \_\_\_\_\_  
*(party/witness in this action).*

1. I hereby:

- ☐ object to the application.
- ☐ consent to the application in accordance with the draft order attached to the application.
- ☐ consent to the application upon the condition that the terms of the order as set out in the draft order are varied as follows: *(Here describe any additional terms or variation of terms sought.)*

\_\_\_\_\_  
\_\_\_\_\_

2. My reasons for objecting to the application or for seeking alteration of the conditions set out in the draft order are as follows: *(Reasons may alternatively be set out in an attached affidavit or brief of argument.)*

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3. In support of my response I intend to rely upon the following documents: *(Here describe any affidavits or documents to be filed in support. If no additional documents are intended to be filed this paragraph may be deleted.)*

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DATED at \_\_\_\_\_, Saskatchewan, this \_\_\_\_\_ day  
of \_\_\_\_\_, 2 \_\_\_\_\_.

\_\_\_\_\_  
*(signature)*

## CONTACT INFORMATION AND ADDRESS FOR SERVICE

### If prepared by a lawyer for the party/witness:

Name of firm: \_\_\_\_\_  
Name of lawyer in charge of file: \_\_\_\_\_  
Address of legal firms: \_\_\_\_\_  
*(set out the street address)*  
Telephone number: \_\_\_\_\_  
Fax number *(if any)*: \_\_\_\_\_  
E-mail address *(if any)*: \_\_\_\_\_

*or*

### If the party/witness is self-represented:

Name of party: \_\_\_\_\_  
Address for service: \_\_\_\_\_  
*(set out the street address)*  
Telephone number: \_\_\_\_\_  
Fax number *(if any)*: \_\_\_\_\_  
E-mail address *(if any)*: \_\_\_\_\_

GENERAL APPLICATION PRACTICE DIRECTIVE NO. 11  
TIME LIMITS FOR ORAL PRESENTATION IN CHAMBERS

**REFERENCE: GA-PD NO. 11**

**Effective:** September 1, 2022

**Revised:** November 1, 2023

- 1** Unless the Court or a judge orders or directs:
  - (a) the applicant or all the applicants, as the case may be, shall limit their argument to thirty (30) minutes in total, and their reply to five (5) minutes.
  - (b) the respondent or all of the respondents, as the case may be, shall limit their oral argument to thirty (30) minutes.
- 2** These times are maximums and all arguments are subject to the direction of the presiding chambers judge.
- 3** A party who believes that additional time is necessary for the adequate presentation of their oral argument may request, by way of a letter addressed to the local registrar with a copy to the party or counsel opposite, the additional time considered necessary. The request shall be made no later than two (2) days prior to the date set for the application.

Chief Justice M.D. Popescul,  
Court of King's Bench for Saskatchewan.

New. Gaz. 10 Nov. 2023.

CRIMINAL PRACTICE DIRECTIVE NO. 1  
CRIMINAL PRE-TRIAL CONFERENCES

**REFERENCE: CRIM-PD NO. 1**

**Effective:** March 26, 2021

**Revised:** November 1, 2023; December 1, 2024

- 1** Pre-trial conferences will be held for all criminal cases in all judicial centres before designated criminal pre-trial judges.<sup>1</sup>
- 2** The Crown shall file with the Court and provide to the defence the indictment in advance of the first date set for the pre-trial conference. The face of the indictment shall identify the related information number(s) and specific count(s) in the information(s) relating to each count in the indictment.
- 3** The Crown shall also file with the Court and provide to the defence the Crown's witness list in advance of the second date set for the pre-trial conference.
- 4** The Crown shall also file with the Court and provide to the defence, in those cases where there is no transcript of a preliminary inquiry, for whatever reason, or where there was a partial or focused preliminary inquiry, a Crown summary. The Crown summary:
  - (a) shall be filed with the Court and provided to the defence prior to the second date set for the pre-trial conference;
  - (b) will be kept by the pre-trial judge; and
  - (c) does not form part of the court record.
- 5** The defence shall file a King's Bench Designation of Counsel in the attached Form A [Designation of Counsel] prior to the first date set for the pre-trial conference. In the event that the accused changes counsel a new Designation of Counsel must be filed.
- 6** The defence may also file any additional relevant defence materials the defence believes may enhance the pre-trial process. In the event that the defence chooses to file additional materials, they:
  - (a) shall be filed with the Court and provided to the Crown prior to the second date set for the pre-trial conference;
  - (b) will be kept by the pre-trial judge; and
  - (c) do not form part of the court record.
- 7** The parties can expect that the judge who conducts the pre-trial conference will have read the transcript of the preliminary inquiry, if any, the Crown summary, and the additional defence materials.
- 8** Where the accused is represented by counsel at the pre-trial conference, the purpose of the pre-trial conference is to discuss whether resolution is possible and, if not, to address all issues that may promote a fair and efficient trial.

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<sup>1</sup> This is in addition to the optional pre-hearing conference held before the presiding judge as contemplated by s. 625.1(1) of the *Criminal Code* and the mandatory pre-hearing conference held before the presiding trial judge in any case tried with a jury pursuant to s. 625.1(2) of the *Criminal Code*.

**9** Where an accused is self-represented at the pre-trial conference, the parties can expect that the pre-trial judge will address the issue of whether the accused will engage counsel for trial. If so, the pre-trial judge may decide to adjourn the pre-trial conference to permit the self-represented accused to retain counsel. If the accused does not retain counsel, the pre-trial conference will normally be limited to management discussions, completion of the pre-trial conference report, and setting dates for the trial. The pre-trial conference report will include a direction that the local registrar convene a management conference with the Crown, the self-represented accused and the trial judge, upon assignment of the trial. The pre-trial judge will provide the self-represented accused with a Procedural Memorandum prepared by the Court to assist the self-represented accused in preparing for trial.

**10** If going to trial, a pre-trial conference can achieve many goals, including:

- (a) narrowing issues that require attention at trial;
- (b) focusing on the trial issues and obtaining agreed statements of fact on non-contentious issues;
- (c) setting schedules and trial dates;
- (d) discussing the realistic length of time required for trial;
- (e) identifying any known outstanding disclosure issues;
- (f) where relevant, discussing jury selection issues, such as whether a challenge for cause is required;
- (g) discussing the number and nature of pre-trial motions;
- (h) discussing the issues upon which the trial may turn; and
- (i) identifying the witnesses to be called, expert evidence to be called and admissions that can be made.

**11** The completed pre-trial conference report will be placed on the court file and will be available to the trial judge, counsel and the self-represented accused. All discussions held during the criminal pre-trial conferences are confidential and shall not be raised by either party at any court proceeding, including the trial.

**12** The pre-trial judge will not preside at the trial of the case but, with the consent of both parties, may accept a plea of guilty and sentence the accused.

**13** Even though a case has been set down for trial and/or assigned to a trial judge, the criminal pre-trial judge may continue to manage issues that may arise from time to time.

**14** The dates on which criminal pre-trial conferences will be held in each judicial centre are posted on the Court's website.

**15** When an accused elects trial by the Court of King's Bench (in all instances, including: where the accused is ordered to stand trial after preliminary inquiry (s. 548(1)(a)); where the accused consents to committal to a King's Bench trial (s. 549); where an accused does not request a preliminary inquiry (s. 536(2) and s. 536(4.3)); or where an accused is not entitled to a preliminary inquiry (s. 536(2.1)), the Provincial Court shall order the accused to appear before the Court of King's Bench at the next criminal pre-trial date for that judicial centre, to set a date for trial. Further:

(a) *Where an accused has counsel* - no time need be endorsed or identified for the appearance ordered in the Court of King's Bench at criminal pre-trial pursuant to s. 536(2.1), s. 536(4.3) or s. 548(2.1).

(b) *Where an accused does not have counsel* - (where the accused is on remand or has been released), the Provincial Court shall order the accused to appear before the Court of King's Bench at the next criminal pre-trial date for that judicial centre at 11:00 a.m., to set a date for trial, pursuant to s. 536(2.1), s. 536(4.3) and/or s. 548(2.1).

(c) *Where an accused is in custody* - It is not necessary for the Provincial Court to remand the accused to the next regular criminal pre-trial date or to any other specified date in the Court of King's Bench. Rather, the Court of King's Bench will issue a production order for any accused in custody whose attendance is required.

Chief Justice M.D. Popescul,  
Court of King's Bench for Saskatchewan.

New. Gaz. 10 Nov. 2023; Gaz 29 Nov. 2024.

**FORM A**

IN THE COURT OF KING'S BENCH FOR SASKATCHEWAN  
JUDICIAL CENTRE OF \_\_\_\_\_

**DESIGNATION OF COUNSEL PURSUANT TO SECTION 650.01  
OF THE *CRIMINAL CODE***

I, \_\_\_\_\_, pursuant to s.650.01 of the *Criminal Code*, hereby  
(name of accused)

appoint \_\_\_\_\_

\_\_\_\_\_  
(name and address of counsel)

to represent me for the following proceedings:

(List all charges on the Indictment, Information numbers, if any, and Indictment date.)

\_\_\_\_\_  
\_\_\_\_\_  
I acknowledge that although I have signed this designation of counsel, there are times when I must be personally present in court and that I must keep in regular contact with my designated counsel so that I will know about those times. I acknowledge that I am required to be present in court when:

- (a) any oral evidence of a witness is taken;
- (b) jurors are being selected;
- (c) an application for writ of habeas corpus is made; or
- (d) ordered by the Court to be personally present or to attend remotely.

I understand that appearance by my designated counsel is equivalent to my being present unless the Court orders otherwise and I understand that a plea of guilty may be made and a sentence may be pronounced only if I am present unless the Court orders otherwise.

I also acknowledge that if the Court orders me to be present otherwise than by an appearance by my designated counsel, the Court may:

- (a) issue a summons to compel my presence and order that the summons be served by leaving a copy at the address contained in this designation of counsel; or

(b) issue an arrest warrant to compel my presence before the Court.

DATED at \_\_\_\_\_, in the Province of Saskatchewan, this \_\_\_\_\_  
day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
*(Signature of accused)*

\_\_\_\_\_  
*(Signature of designated counsel)*

\_\_\_\_\_  
*(Printed name of accused)*

\_\_\_\_\_  
*(Printed name of designated counsel)*

\_\_\_\_\_  
*(Full Address of accused)*

\_\_\_\_\_  
*(Full Address of designated counsel)*



CRIMINAL PRACTICE DIRECTIVE NO. 2  
ACCESS TO JURY LISTS AND JUROR INFORMATION

**REFERENCE: CRIM-PD NO. 2**

**Effective:** October 1, 2020

**Revised:** November 1, 2023

**Definitions**

1 In this practice directive:

“**juror**” means all persons sent a juror summons pursuant to *The Jury Act, 1998*;

“**juror information**” includes each juror’s name, address, date of birth, assigned juror number, the jury list and documents in the possession of the sheriff respecting a jury as listed in Appendix A;

“**jury list**” means the jury list and any updated jury list filed by the sheriff with the local registrar pursuant to *The Jury Act, 1998*.

**Access to jury lists and juror information**

2 Unless the presiding judge otherwise directs, no person may have access to jury lists or juror information except in accordance with this practice directive.

**Request by lawyer to examine sheriff’s jury information records**

3 A lawyer acting on behalf of the Crown or a lawyer acting on behalf of an accused person, may request to examine documents in the possession of the sheriff containing juror information, by signing and filing with the local registrar a request and undertaking in Form A.

4 Upon filing the signed request and undertaking, the local registrar shall notify the sheriff that the lawyer who signed the undertaking or another lawyer, student-at-law or employee of the lawyer’s office or firm who has agreed to abide by the terms of the undertaking and is acting under the lawyer’s written direction, may examine juror information in the possession of the sheriff, on the condition that the examination is conducted in the presence of the sheriff or deputy and that no copy, photograph or reproduction of the document in any manner is permitted other than making notes for the lawyer’s use in preparing for trial.

**Request by lawyer to examine the jury list**

5 A lawyer acting on behalf of the Crown or a lawyer acting on behalf of an accused person, may request to examine the jury list in the possession of the local registrar, by signing and filing with the local registrar a request and undertaking in Form B.

6 Upon receipt of a request to examine the jury list and undertaking in Form B, the local registrar may permit the lawyer who signed the undertaking or another lawyer, student-at-law or employee of the lawyer’s office or firm who has agreed to abide by the terms of the undertaking and is acting under the lawyer’s written direction, to examine the jury list in the presence of the local registrar, provided no copy, photograph or reproduction of the jury list in any manner is permitted other than making notes for the lawyer’s use in preparing for trial.

**Request by lawyer to obtain copy of the jury list**

7 A lawyer acting on behalf of the Crown or a lawyer acting on behalf of an accused may request a copy of the jury list in the possession of the local registrar by completing and filing with the local registrar a request and undertaking in Form C.

8 Upon receipt of the lawyer's request and signed undertaking in Form C, the local registrar will provide one copy of the most up-to-date jury list to the lawyer. Should the jury list subsequently be updated, the local registrar may provide the lawyer with an updated copy of the jury list upon the lawyer returning the jury list previously provided to the lawyer.

9 Where release of a jury list is permitted, the local registrar will place the jury list in a sealed envelope and only permit the jury list to be picked up by the lawyer or another lawyer, student-at-law or employee of the lawyer's office or firm who has agreed to abide by the terms of the undertaking and is acting under the lawyer's written direction.

**Request by self-represented accused to examine sheriff's jury information records, examine the jury list or obtain copy of the jury list**

10 A self-represented accused may apply to the court to be allowed to examine the sheriff's jury information records, examine the jury list or obtain a copy of the jury list, by completing and filing an application in Form D with the local registrar. The local registrar will present the request to the presiding trial judge, who may or may not grant the request either with or without conditions.

**Application to court for access on other conditions**

11 A lawyer acting on behalf of the Crown or a lawyer acting on behalf of an accused person, who does not wish to provide the undertaking set out in Forms A, B or C may apply to the presiding trial judge for access to the jury list and/or juror information by completing and filing an application in Form E with the local registrar. The local registrar will present the request to the presiding trial judge, who may or may not grant the request either with or without conditions.

**Jury list distribution tracking sheet**

12 The local registrar will number each copy of the jury list that is made. The local registrar will maintain a jury list distribution tracking sheet to track the delivery and return to the local registrar of each numbered copy of the jury list. Any person receiving or returning a copy of the jury list will be required to sign the local registrar's jury list tracking sheet to acknowledge the receipt or return of the jury list.

**Safeguarding the identity of jurors**

13 After the jury is selected the jury list will be sealed and placed on the file with a direction that the sealed envelope not be opened except by order of the court. All other jury lists will be destroyed by the local registrar at the conclusion of the jury selection.

14 All juror cards will be destroyed by the local registrar in accordance with *The Jury Act, 1998*.

15 The local registrar will identify the jurors selected on the court record including log notes by juror number only.

16 No person may disclose the name or other information about a person summoned for jury service except as may be necessary for the Crown or defence to conduct a lawful investigation or inquiry into the background of potential jurors.

Chief Justice M.D. Popescul  
Court of King's Bench for Saskatchewan.

**FORM A**

COURT FILE NUMBER \_\_\_\_\_

COURT OF KING'S BENCH FOR SASKATCHEWAN

JUDICIAL CENTRE \_\_\_\_\_

HIS MAJESTY THE KING V \_\_\_\_\_

**REQUEST BY LAWYER TO EXAMINE JUROR INFORMATION  
AND UNDERTAKING**

TO: The Local Registrar

I am:

- ☐ a lawyer acting on behalf of the Crown
- ☐ a lawyer acting on behalf of the accused, \_\_\_\_\_  
(name)

I request that I or a lawyer, student-at-law or employee of my office or firm who has agreed to abide by the terms of this undertaking and is acting under my written direction be permitted to examine the following (*select documents sought*):

documents in the possession of the sheriff respecting the jury summoned in this matter  
(*select documents sought*):

- ☐ list of names received from the Inspector of Court Offices to whom summons could be sent;
- ☐ list of names of individuals who were sent summons;
- ☐ juror information returns completed and returned to the sheriff;
- ☐ list of names of persons who were sent reminder letters to complete and return the jury summons;
- ☐ all applications for relief from jury service and documents provided in support; and/or
- ☐ all responses to requests for relief from jury service.

**UNDERTAKING**

If permitted to examine the requested documents, I undertake and promise that:

- I shall not copy, photograph or reproduce in any manner the sheriff's documents containing the juror information other than making notes to be used by me in preparing for trial.

- I shall not share any information contained in the sheriff's documents containing juror information with any person, except:
  - o other legal counsel or student-at-law in these proceedings who has agreed to abide by the terms of this undertaking;
  - o a police service, if necessary, for the purpose of conducting criminal record checks;
  - o the accused in these proceedings but only in my presence and I shall not permit the accused to copy, photograph or reproduce the information in any manner or to make notes; and
  - o as otherwise expressly provided herein.

I understand that should I wish to copy, photograph or reproduce any juror information other than by making notes to be used by me in preparing for trial or should I wish to share or make use of any juror information other than as permitted by this undertaking, I must make an application to the Court in Form E.

DATED at \_\_\_\_\_, Saskatchewan, this \_\_\_\_\_ day  
of \_\_\_\_\_, 2 \_\_\_\_\_ .

\_\_\_\_\_  
(signature of applicant)

\_\_\_\_\_  
(print name of applicant)

CONTACT INFORMATION:

Address:

\_\_\_\_\_  
(set out the street address)

Telephone number:

\_\_\_\_\_

Fax number (if any):

\_\_\_\_\_

E-mail address (if any):

\_\_\_\_\_

**FORM B**

COURT FILE NUMBER \_\_\_\_\_

COURT OF KING'S BENCH FOR SASKATCHEWAN

JUDICIAL CENTRE \_\_\_\_\_

HIS MAJESTY THE KING V \_\_\_\_\_

**REQUEST BY LAWYER TO EXAMINE JURY LIST AND UNDERTAKING**

TO: The Local Registrar

I am:

- ☐ a lawyer acting on behalf of the Crown
- ☐ a lawyer acting on behalf of the accused, \_\_\_\_\_  
(name)

I request that I or a lawyer, student-at-law or employee of my office or firm who has agreed to abide by the terms of this undertaking and who is acting under my written direction be permitted to examine the jury list in the possession of the local registrar.

**UNDERTAKING**

I undertake and promise that:

- I shall not copy, photograph or reproduce the jury list other than by making notes to be used by me in preparing for trial.
- I shall not share any information contained on the jury list with any person, except:
  - o other legal counsel or student-at-law in these proceedings who has agreed to abide by the terms of this undertaking;
  - o a police service, if necessary, for the purpose of conducting criminal record checks;
  - o the accused in these proceedings but only in my personal presence and I shall not permit the accused to copy, photograph or reproduce the information or to make notes; and
  - o as otherwise expressly provided herein.

I understand that should I wish to copy, photograph or reproduce the jury list other than by making notes to be used by me in preparing for trial or should I wish to share or make use of the jury list other than as permitted by this undertaking, I must make an application to the Court in Form E.

DATED at \_\_\_\_\_, Saskatchewan, this \_\_\_\_\_ day  
of \_\_\_\_\_, 2 \_\_\_\_\_ .

\_\_\_\_\_  
*(signature of applicant)*

\_\_\_\_\_  
*(print name of applicant)*

CONTACT INFORMATION:

Address:

\_\_\_\_\_  
*(set out the street address)*

Telephone number:

\_\_\_\_\_

Fax number *(if any)*:

\_\_\_\_\_

E-mail address *(if any)*:

\_\_\_\_\_

**FORM C**

COURT FILE NUMBER \_\_\_\_\_

COURT OF KING'S BENCH FOR SASKATCHEWAN

JUDICIAL CENTRE \_\_\_\_\_

HIS MAJESTY THE KING V \_\_\_\_\_

**REQUEST BY LAWYER TO OBTAIN COPY OF JURY LIST AND UNDERTAKING**

TO: The Local Registrar

I am:

- ☐ a lawyer acting on behalf of the Crown
- ☐ a lawyer acting on behalf of the accused, \_\_\_\_\_  
(name)

I request that I be permitted to be provided with a copy of the jury list in the possession of the local registrar.

**UNDERTAKING**

If provided with a copy of the jury list, I undertake and promise that:

- I shall not copy, photograph or reproduce the jury list in any manner, nor allow any other person to do so.
- I shall not share any information contained on the jury list with any person, except:
  - o other legal counsel or student-at-law in these proceedings who has agreed to abide by the terms of this undertaking;
  - o a police service, if necessary, for the purpose of conducting criminal record checks;
  - o the accused in these proceedings but only in my personal presence and I shall not permit the accused to copy, photograph or reproduce the information or to make notes; and
  - o as otherwise expressly provided herein.
- I shall not share the results of any inquiry or investigation of individuals named on the jury list with any other person except other legal counsel or student-at-law in these proceedings who has agreed to abide by the terms of this undertaking.
- I shall take measures to secure the jury list from unauthorized access.

- I shall return to the local registrar, every copy of the jury list received by me immediately after any of the following circumstances occur:
  - (a) the jury in this matter is selected;
  - (b) the matter is no longer to be tried by jury for any reason including a re-election by the accused or the charges being stayed or withdrawn;
  - (c) I cease to represent a party in this matter;
  - (d) the local registrar has provided me with an updated jury list; or
  - (e) the local registrar demands the return of the jury list.

I understand that should I wish to obtain a copy of the jury list in the possession of the local registrar without providing the undertaking in this Form, I must make an application to the Court in Form E.

DATED at \_\_\_\_\_, Saskatchewan, this \_\_\_\_\_ day  
of \_\_\_\_\_, 2 \_\_\_\_\_ .

\_\_\_\_\_  
(signature of lawyer/student at law)

\_\_\_\_\_  
(print name of lawyer/student at law)

CONTACT INFORMATION:

Address:

\_\_\_\_\_  
(set out the street address)

Telephone number:

\_\_\_\_\_

Fax number (if any):

\_\_\_\_\_

E-mail address (if any):

\_\_\_\_\_



**FORM D**

COURT FILE NUMBER \_\_\_\_\_

COURT OF KING'S BENCH FOR SASKATCHEWAN

JUDICIAL CENTRE \_\_\_\_\_

HIS MAJESTY THE KING V \_\_\_\_\_

**APPLICATION BY SELF-REPRESENTED ACCUSED TO EXAMINE  
OR COPY JUROR INFORMATION AND/OR THE JURY LIST**

TO: The Presiding Judge

I am the accused in this matter and not represented by a lawyer.

I request that *(select the type of order sought)*:

- ☐ I be permitted to examine the following documents in the possession of the sheriff respecting the jury summoned in this matter including:
  - ☐ list of names received from the Inspector of Court Offices to whom summons could be sent;
  - ☐ list of names of individuals who were sent summons;
  - ☐ juror information returns completed and returned to the sheriff;
  - ☐ list of names of persons who were sent reminder letters to complete and return the jury summons;
  - ☐ all applications for relief from jury service and documents provided in support; and/or
  - ☐ all responses to requests for relief from jury service;
- ☐ I be permitted to examine the jury list in the possession of the local registrar; and/or
- ☐ I be provided with a copy of the jury list.

A template draft order is attached hereto.

The reason for making this request is:

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DATED at \_\_\_\_\_, Saskatchewan, this \_\_\_\_\_ day  
of \_\_\_\_\_, 2 \_\_\_\_\_ .

\_\_\_\_\_  
*(signature of applicant)*

\_\_\_\_\_  
*(print name of applicant)*

CONTACT INFORMATION:

Address:

\_\_\_\_\_  
*(set out the street address)*

Telephone number:

\_\_\_\_\_

Fax number *(if any)*:

\_\_\_\_\_

E-mail address *(if any)*:

\_\_\_\_\_

**FORM E**

COURT FILE NUMBER \_\_\_\_\_

COURT OF KING'S BENCH FOR SASKATCHEWAN

JUDICIAL CENTRE \_\_\_\_\_

HIS MAJESTY THE KING V \_\_\_\_\_

**APPLICATION BY LAWYER TO COURT FOR ACCESS OR  
TO COPY JUROR INFORMATION AND/OR THE JURY LIST**

TO: The Presiding Judge

I am:

- ☐ a lawyer acting on behalf of the Crown
- ☐ a lawyer acting on behalf of the accused
- ☐ I request that I be permitted to examine the following documents in the possession of the sheriff respecting the jury summoned in this matter, without providing the undertaking in Form A, a copy of which is attached hereto:
  - ☐ documents in the possession of the sheriff respecting the jury summoned in this matter  
(select documents sought):
    - ☐ list of names received from the Inspector of Court Offices to whom summons could be sent;
    - ☐ list of names of individuals who were sent summons;
    - ☐ juror information returns completed and returned to the sheriff;
    - ☐ list of names of persons who were sent reminder letters to complete and return the jury summons;
    - ☐ all applications for relief from jury service and documents provided in support; and/or
    - ☐ all responses to requests for relief from jury service.
- ☐ I request that I be permitted to examine the jury list in the possession of the local registrar without providing the undertaking in Form B, a copy of which is attached hereto.
- ☐ I request that I be permitted to obtain a copy of the jury list in the possession of the local registrar without providing the undertaking in Form C, a copy of which is attached hereto.

The reason for making this request is:

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DATED at \_\_\_\_\_, Saskatchewan, this \_\_\_\_\_ day  
of \_\_\_\_\_, 2 \_\_\_\_\_ .

\_\_\_\_\_  
*(signature of applicant)*

\_\_\_\_\_  
*(print name of applicant)*

CONTACT INFORMATION:

Address:

\_\_\_\_\_  
*(set out the street address)*

Telephone number:

\_\_\_\_\_

Fax number *(if any)*:

\_\_\_\_\_

E-mail address *(if any)*:

\_\_\_\_\_

## CRIMINAL PRACTICE DIRECTIVE NO. 3

## SAFE HANDLING OF ADMISSIBLE LARGE OR SENSITIVE EXHIBITS

**REFERENCE: CRIM-PD NO. 3****Effective:** April 1, 2017**Revised:** November 1, 2023

- 1** In order to promote the safe handling of exhibits and the efficiency of court proceedings, counsel are encouraged to reach agreement on the filing of exhibits prior to trial.
- 2** Whenever possible, photographs of drugs, money, weapons, or large or bulky exhibits, should be tendered instead of the actual exhibit. In drug cases, this extends to tendering a photograph of the drug instead of the drug, as well as tendering a photograph of the H envelope containing the sample of the drug instead of the H envelope.
- 3** In the event a firearm is tendered as an exhibit, the firearm should be trigger-locked or otherwise rendered inoperable. Whenever possible, firearms should be tendered into evidence through a witness trained in the handling of firearms.
- 4** This directive is intended to address how large and sensitive exhibits might be tendered as evidence and does not affect the admissibility of exhibits.
- 5** Counsel are reminded of the applicability of the following provisions of the *Criminal Code*:

Section 603(a) of the *Criminal Code* permits the accused, after he has been ordered to stand trial or at his trial, to inspect the evidence and the exhibits.

With respect to proceedings pursuant to ss. 334, 344, 348, 354, 355.4, 355.4, 362 or 380 of the *Criminal Code*, s. 491.2(2) permits the use of photographs. Notice is required pursuant to s. 491.2(5).

Chief Justice M.D. Popescul,  
Court of King's Bench for Saskatchewan

CRIMINAL PRACTICE DIRECTIVE NO. 4  
OBTAINING A SUBPOENA FOR A CRIMINAL TRIAL

**REFERENCE: CRIM-PD NO. 4**

**Effective:** April 1, 2017

**Revised:** May 1, 2018, November 1, 2023, May 1, 2024

- 1** The purpose of this directive is to ensure that:
  - (a) subpoenas are issued only to witnesses who can provide material evidence at a criminal proceeding or trial; and
  - (b) persons receiving a subpoena are informed in advance of their choices concerning oaths.
- 2** Local registrars and deputies will not issue blank subpoenas.
- 3** Where the Crown applies for a subpoena, the Crown shall complete and file with the local registrar or deputy the attached Form A certificate together with the subpoena(s) to be issued. The name(s) of the witness(es) listed in the certificate must match the name(s) on the subpoena(s) being issued.
- 4** Where the defence applies for a subpoena, either counsel for the accused or a self represented accused must complete and file with the local registrar or deputy, the attached Form B certificate together with the subpoena(s) to be issued.
- 5** All applications for a subpoena pursuant to paragraphs 3 and 4 must be made in the judicial centre where the criminal proceeding or trial is scheduled to take place.
- 6** Local registrars and deputies are authorized to question the person seeking the subpoena to ensure that the witness named in the subpoena can provide material evidence or testimony at the proceeding or trial. If a local registrar or deputy is not satisfied that the witness named in the subpoena can provide material evidence or testimony at the proceeding or trial, then they shall not issue the subpoena. In that event, the person seeking the subpoena may complete a brief written summary of the evidence the applicant believes the witness can provide at the proceeding or trial and ask the local registrar or deputy to refer the request with the written summary to a judge.
- 7** In the case of subpoena requests by the defence, the written summary of the evidence referred to in paragraph 6, the Form B certificate, and any other documents containing the names of the defence witnesses to whom a subpoena is issued or sought must be sealed and not opened except on the order of a judge. The contents of the sealed documents and discussions with a registrar concerning the evidence a defence witness may provide are to be kept confidential.
- 8** No copy of any subpoena issued is kept on the court file. The only record on the court file of a subpoena being issued is the filed certificate(s) in Form A and/or B.

**9** The party seeking the subpoena must print the following notice in a legible font at the bottom of all subpoenas to be issued by the court:

**NOTICE ON CHOICE OF OATH:** When you come to court you will be offered the choice of swearing an oath or making an affirmation. An affirmation is a non-religious promise to tell the truth. An oath can be taken in any way that is consistent with your religious beliefs, so long as you take an oath which binds your conscience to tell the truth. If you wish to give your evidence by swearing an oath upon a holy text, other than the Christian Bible, Jewish Bible, Koran or Bhagavad-Gita (which are readily available in all King's Bench court houses), contact the local registrar to confirm that the holy text of your choice is available at that court location. Alternatively, you may bring with you any religious symbol or holy text and advise the clerk of the court prior to court commencing, how you wish to take your oath.

**10** Where a subpoena is sought from the court to compel a person located outside Saskatchewan to give evidence before a provincial court judge or a justice of the peace pursuant to subsections 699(2)(b) and (3) of the *Criminal Code*, the subpoena will not be granted except by order of a judge of the Court of King's Bench made on Application without Notice by a party to the proceedings.

**Subsections 699(2) and (3) of the *Criminal Code***

**Order of judge**

(2) If a person is required to attend to give evidence before a provincial court judge acting under Part XIX or a summary conviction court under Part XXVII or in proceedings over which a justice has jurisdiction, a subpoena directed to the person shall be issued

- (a) by a provincial court judge or a justice, where the person whose attendance is required is within the province in which the proceedings were instituted; or
- (b) by a provincial court judge or out of a superior court of criminal jurisdiction of the province in which the proceedings were instituted, where the person whose attendance is required is not within the province.

**Order of judge**

(3) A subpoena shall not be issued out of a superior court of criminal jurisdiction pursuant to paragraph (2)(b), except pursuant to an order of a judge of the court made on application by a party to the proceedings.

Chief Justice M.D. Popescul,  
Court of King's Bench for Saskatchewan.

**FORM A**

Court File Number

Judicial Centre of \_\_\_\_\_

In the matter of: His Majesty The King v \_\_\_\_\_

**CROWN CERTIFICATE TO OBTAIN SUBPOENA**

THE UNDERSIGNED HEREBY CERTIFIES:

**1** That I am a Crown prosecutor.

**2** That I have determined upon information and belief that the following witnesses are likely to give material evidence in the within proceeding.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*(print full name of witness and city/town of residence)*

**3** That I provide this certificate in support of my request that a subpoena be issued to each of the above named persons to testify in the matter.

DATED at \_\_\_\_\_, Saskatchewan, this \_\_\_\_\_ day  
of \_\_\_\_\_, 2 \_\_\_\_\_ .

\_\_\_\_\_  
*(signature of Crown prosecutor)*

\_\_\_\_\_  
*(print name of Crown prosecutor)*



**FORM B**

Court File Number \_\_\_\_\_

Judicial Centre of \_\_\_\_\_

In the matter of: His Majesty The King v \_\_\_\_\_

**DEFENCE CERTIFICATE TO OBTAIN SUBPOENA**

THE UNDERSIGNED HEREBY CERTIFIES:

**1** That I am the \_\_\_\_\_  
(defendant / lawyer for defendant)

**2** That I believe that the witness(es) named in the subpoena(s) presented to the clerk of the court with this certificate are each likely to give material evidence in this matter.

DATED at \_\_\_\_\_, Saskatchewan, this \_\_\_\_\_ day  
of \_\_\_\_\_, 2 \_\_\_\_\_.

\_\_\_\_\_  
(signature of applicant)

\_\_\_\_\_  
(print name of applicant)

## CRIMINAL PRACTICE DIRECTIVE NO. 5

## RETENTION AND RELEASE OF CRIMINAL EXHIBITS

**REFERENCE: CRIM-PD NO. 5****Effective:** April 1, 2017**Revised:** November 1, 2023

**1** Subject to the specific provisions of the *Criminal Code*, the *Controlled Drugs and Substances Act* and the mandatory retention of criminal exhibits described in paragraph 2, the trial judge, with the consent of the parties, may make an order for the release of exhibits at the expiry of all appeal periods.

**2** No order should be made directing the return of exhibits, following any trial, hearing or stay of proceedings, in proceedings:

- (a) involving a homicide including offences such as murder, manslaughter, or any offence causing death;
- (b) involving dangerous offender and/or long-term offender designations;
- (c) resulting in a life sentence being imposed; or
- (d) involving exhibits that have potential DNA implications.

**3** All exhibits as listed within 2(a) to (d), inclusive, shall be retained for a minimum of seventy-five (75) years from the date of commencement of the file. At the expiry of seventy-five (75) years, the exhibits are to be released only by order of the Chief Justice or his or her designate.

Chief Justice M.D. Popescul,  
Court of King's Bench for Saskatchewan.

New. Gaz. 10 Nov. 2023.

CRIMINAL PRACTICE DIRECTIVE NO. 6  
SUMMARY CONVICTION OR ABSOLUTE JURISDICTION OFFENCES

**REFERENCE: CRIM-PD NO. 6**

**Effective:** May 1, 2017

**Revised:** November 1, 2023

**No Summary Conviction or Absolute Jurisdiction Offences on Indictment**

**1** No summary conviction offences or absolute jurisdiction offences should be included on an indictment filed in the Court of King's Bench.

**No Summary Conviction Offences will be tried in the Court of King's Bench**

**2** Since the Court of King's Bench is the summary conviction appeal court, the Court of King's Bench will not try a summary conviction offence, whether or not the facts underlying that offence are closely related to an indictment being tried in the Court of King's Bench.

**When Provincial Court Informations may be spoken to in the Court of King's Bench ("Ride Along" Informations)**

**3** Provincial Court informations will only be spoken to or otherwise dealt with in the Court of King's Bench if:

- (a) the Crown and defence consent; and
- (b) defence counsel waives delay on the Provincial Court informations.

(It is expected that this will most commonly occur as part of the pre-trial process.)

**Trial of Absolute Jurisdiction Offence in the Court of King's Bench**

**4** A judge of the Court of King's Bench trying an offence on an indictment may also try an absolute jurisdiction offence contained on a Provincial Court information if:

- (a) the offence is an absolute jurisdiction offence on which the Crown has elected to proceed by indictment;
- (b) the facts underlying the absolute jurisdiction offence are closely related to the facts underlying charges contained on the indictment before the Court in respect of the same accused person; and
- (c) the trial of the absolute jurisdiction offence is heard at the same time by the same King's Bench judge.

**Accepting a Guilty Plea on a Summary Conviction or Absolute Jurisdiction Offence**

**5** A judge of the Court of King's Bench may, at the same time as accepting an accused's guilty plea on an indictment, also accept the accused's guilty plea on a summary conviction offence and/or absolute jurisdiction offence contained on a Provincial Court information, even if the facts underlying the offence are not closely related to the charges contained on the indictment provided that the Crown and defence make a joint submission on sentence.

When Provincial Court informations are spoken to in the Court of King's Bench, the Court of King's Bench will attach a separate King's Bench endorsement sheet to the original Provincial Court Information and Provincial Court endorsements. The Court of King's Bench will record its endorsements relating to the information on this sheet. When the original information with Provincial Court endorsements are returned to Provincial Court, the King's Bench endorsement sheet will be attached. A copy will be retained on the Court of King's Bench file.

Chief Justice M.D. Popescul,  
Court of King's Bench for Saskatchewan.

New. Gaz. 10 Nov. 2023.

CRIMINAL PRACTICE DIRECTIVE NO. 7  
COURT RECORDING OF PROCEEDINGS – REQUEST FOR COPY

**REFERENCE: CRIM – PD NO. 7**

**Effective:** May 1, 2019

**Revised:** November 1, 2023

- 1** This practice directive applies to all criminal proceedings in the Court of King's Bench.
- 2** In this practice directive, “recording” or “recording of a proceeding” means an audio or video recording of a criminal proceeding made by or on behalf of the Court.
- 3** Subject to paragraphs 4 and 5, and to any enactment, rule of court (criminal), or order granting or restricting access to a proceeding, no person shall obtain or make a copy of a recording of a proceeding except by order of the Court.
- 4** The local registrar may provide a copy of a recording of a proceeding to the Crown or the defence lawyer of record who files a request with the Court in the attached Form A.
- 5** Any person, other than the Crown or the defence lawyer of record, seeking a copy of the recording of a proceeding must file an application with the Court in the attached Form B.
- 6** On receipt of an application pursuant to paragraph 5, the Court may do any of the following:
  - (a) require that notice of the application be given to the other parties to the proceeding or to other interested persons;
  - (b) set the matter down for a hearing;
  - (c) grant the application, on any terms and conditions that the Court may direct;
  - (d) dismiss the application.
- 7** An order granting a request for a copy of the recording of a proceeding may be in the attached Form C with any additional terms and conditions that the Court may direct.

Chief Justice M.D. Popescul,  
Court of King's Bench for Saskatchewan.

New. Gaz. 10 Nov. 2023.

**FORM A**

COURT FILE NUMBER: \_\_\_\_\_

COURT OF KING'S BENCH FOR SASKATCHEWAN

JUDICIAL CENTRE OF: \_\_\_\_\_

IN THE MATTER OF: His Majesty the King v \_\_\_\_\_

**REQUEST BY LAWYER OF RECORD FOR A COPY OF THE  
RECORDING OF A PROCEEDING**

TO: The Local Registrar

I, \_\_\_\_\_ am the

- ☐ Crown prosecutor for this matter
- ☐ the defence lawyer of record

and I request a copy of the recording of the proceeding that occurred on (or that will occur on)

\_\_\_\_\_, 2 \_\_\_\_\_

- ☐ in its entirety
- or*
- ☐ limited to:

\_\_\_\_\_  
\_\_\_\_\_*(specify times or other limiting parameters (example: the testimony of a certain witness))*

As a lawyer and as an officer of the Court, I undertake to comply with the following conditions:

1. I will use the recording of the proceeding, and the contents thereof, only for proper purposes in connection with the performance of my duties as counsel in this matter.
2. I will not, except as is necessary and incidental to the performance of my role as counsel in this matter, transcribe, copy, or convert to text any of the data contained in the recording.
3. I will not publish, broadcast, distribute, share, sell or disseminate, in any form or format, the data contained in the recording.
4. I will at all times retain possession or control of the data storage device containing the recording and any copies thereof, and not permit any persons, other than members of my office or firm acting under my direction, access to the recording or copies.

5. When my need for the recording of the proceeding has ended, and in any event within 90 days after my receipt of the same, I will return the data storage device containing the recording of the proceeding and any copies thereof to the local registrar unless I have obtained an order of the Court extending the time that I may retain the data storage device containing the recording of the proceeding.

DATED at \_\_\_\_\_, Saskatchewan, this \_\_\_\_\_ day  
of \_\_\_\_\_, 2 \_\_\_\_\_.

\_\_\_\_\_  
(signature of applicant)

\_\_\_\_\_  
(print name of applicant)

CONTACT INFORMATION AND ADDRESS FOR SERVICE:

Name of lawyer: \_\_\_\_\_

Address: \_\_\_\_\_  
(set out the street address)

Telephone number: \_\_\_\_\_

Fax number (if any): \_\_\_\_\_

E-mail address (if any): \_\_\_\_\_

**FORM B**

COURT FILE NUMBER: \_\_\_\_\_

COURT OF KING'S BENCH FOR SASKATCHEWAN

JUDICIAL CENTRE OF: \_\_\_\_\_

IN THE MATTER OF: His Majesty the King v. \_\_\_\_\_

**APPLICATION WITHOUT NOTICE FOR A COPY OF THE  
RECORDING OF A PROCEEDING**

This application is being made without notice:

**Applicant**1. I, \_\_\_\_\_, of \_\_\_\_\_,  
*(name of applicant)*

Saskatchewan,

make this application in my capacity as:

- ☐ the accused in this proceeding
- ☐ an accredited member of the media
- ☐ a member of the public
- ☐ other, specify \_\_\_\_\_

**Copy Sought**

2. I seek a copy of the recording of the proceeding that occurred on (or that will occur on)

\_\_\_\_\_, 2 \_\_\_\_\_ *(select applicable clause)*☐ in its entirety*or*☐ limited to:\_\_\_\_\_  
\_\_\_\_\_*(specify times or other limiting parameters, e.g. the testimony of a certain witness)*



**Purposes and Manner of Use**

3. I seek a copy of the recording of the proceeding for the following purposes:

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4. I intend to use the copy of the recording of the proceeding only in the following manner:

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5. I require the copy of the recording of the proceeding for the following length of time:

\_\_\_\_\_. *(If the applicant requires more than 90 days, explain why the amount of time requested is needed)* for the following reasons:

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**Draft Order**

6. In support of this application, a draft order in Form C is attached.

**Applicant's understanding and promise**

7. I have read the attached draft order and understand the terms and conditions set out in the order. I further understand that I may be held to be in contempt of court should I fail to comply with any of the terms and conditions of the order.

8. If an order is issued granting me a copy of the recording of the proceeding, I will fully comply with the terms and conditions of the order.

DATED at \_\_\_\_\_, Saskatchewan, this \_\_\_\_\_ day  
of \_\_\_\_\_, 2 \_\_\_\_\_.

\_\_\_\_\_  
*(signature of applicant)*

\_\_\_\_\_  
*(print name of applicant)*

**CONTACT INFORMATION AND ADDRESS FOR SERVICE:**

Name of applicant: \_\_\_\_\_

Address: \_\_\_\_\_  
*(set out the street address)*

Telephone number: \_\_\_\_\_

Fax number *(if any)*: \_\_\_\_\_

E-mail address *(if any)*: \_\_\_\_\_

## FORM C

COURT FILE NUMBER: \_\_\_\_\_

COURT OF KING'S BENCH FOR SASKATCHEWAN

JUDICIAL CENTRE OF: \_\_\_\_\_

IN THE MATTER OF: His Majesty the King v \_\_\_\_\_

## ORDER FOR A COPY OF THE RECORDING OF A PROCEEDING

Order made this \_\_\_\_\_ day of \_\_\_\_\_, 2 \_\_\_\_\_.

Before the Honourable \_\_\_\_\_ in chambers, the \_\_\_\_\_  
day of \_\_\_\_\_, 2 \_\_\_\_\_.On having read the application of \_\_\_\_\_, in their  
capacity as: \_\_\_\_\_

The Court orders that:

1. The local registrar may provide the applicant with a data storage device containing a copy of the recording of the following proceeding:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_recorded on the following date(s): \_\_\_\_\_  
(hereafter referred to as "the recording").

2. The applicant, on accepting receipt of a copy of the recording, shall: *(select the applicable paragraph)*

☐ (If the applicant is an accredited member of the media)

- (a) not in any manner broadcast, publish, or otherwise make available the recording;
- (b) use the recording only to verify the accuracy of reporting done in relation to the proceeding;
- (c) not distribute, share, sell or disseminate, in any form or format, the data contained in the recording;
- (d) at all times retain possession or control of the data storage device containing the recording and any copies thereof and not permit other persons, other than employees of your accredited media outlet acting under your direction, access to the recording or copies; and

(e) return the data storage device and the recording and any copy made thereof to the local registrar within 90 days after receipt of the data storage device or such sooner time as the local registrar may direct.

☐ *(If applicant is the accused in these proceedings, a member of the public, or other applicant)*

(a) not in any manner broadcast, publish, post on the internet or otherwise make available the recording;

(b) use the recording solely for the following purpose(s);

(c) not share the data storage device or the recording with any other person except for the following persons or in the following circumstances:

(d) not make a copy of the data storage device or the recording in any form or format;

(e) not transcribe, convert to text, sell or disseminate, in any form or format, the recording or any part of the recording; and

(f) return the data storage device and the recording to the local registrar within 90 days after receipt of the data storage device or such sooner time as the local registrar may direct.

3. The local registrar shall notify the Court if the applicant is or is alleged to be in contempt of court for failing to comply with any of the terms of this order, and on further direction of the Court, the local registrar shall notify the applicant to attend before the Court to show cause why the applicant should not be declared to be in civil contempt of court.

ISSUED at \_\_\_\_\_, Saskatchewan, this \_\_\_\_\_ day of \_\_\_\_\_, 2 \_\_\_\_\_.

\_\_\_\_\_  
Local Registrar

#### NOTICE

*(To be used if the Order is issued pursuant to an application without notice)*

Take notice that, unless the order is consented to by the respondent or a person affected by the order or unless otherwise authorized by law, every order made without notice to the respondent or a person affected by the order may be set aside or varied on application to the Court. You should consult your lawyer as to your rights.

CRIMINAL PRACTICE DIRECTIVE NO. 8  
SECTION 525 DETENTION REVIEWS<sup>1</sup>

**REFERENCE: CRIM-PD NO. 8**

**Effective:** July 1, 2021

**Revised:** November 1, 2023

- 1 All applications made pursuant to section 525 of the *Criminal Code* and section 30.1 of the *Youth Criminal Justice Act* shall be in Form A.<sup>2</sup>
- 2 The application shall be completed by the person or institution having custody of the accused [the institution] and filed with the Court at the judicial centre of Prince Albert, Regina or Saskatoon whichever is closest to the location where the accused is in custody.
- 3 Detention Review Management Chambers [DRM Chambers], is held each month at the judicial centres of Prince Albert, Regina and Saskatoon. The dates of each of these judicial centres' monthly DRM Chambers is published on the Court's website.
- 4 Upon receipt of the application, the local registrar will complete a Notice of Detention Review in Form B that sets the application for the next scheduled DRM Chambers. The local registrar will seek a production order from a judge that requires the attendance of the accused via closed circuit TV [CCTV] on the date and the time set out at the bottom of Form B unless otherwise ordered.
- 5 The local registrar will send a copy of the completed Form B that includes the production order by fax or email to:
  - the accused in care of the institution;
  - the accused's lawyer, if known;
  - if the accused's lawyer is unknown or if the accused is not represented by a lawyer, the head office of the Saskatchewan Legal Aid Commission [Legal Aid];
  - Regional Crown closest to the judicial centre; and
  - the institution.
- 6 Upon receipt of the completed Form B from the local registrar, the institution shall provide the accused with a s. 525 Detention Review Information Sheet prepared by the Public Legal Education Association [PLEA].
- 7 The local registrar, in addition to sending Form B, will send to the accused, the accused's lawyer, or Legal Aid, a Do You Want a Detention Review form, in Form C, that is to be completed by the accused or their lawyer and returned to the local registrar within seven days of its receipt.
- 8 If the accused or the accused's lawyer confirms in Form C that the accused does not want a detention review, the local registrar will notify the Crown and the institution that the production order and chambers appearance is cancelled. The presiding judge may then determine the result of the application summarily and issue an order based on the documents filed.

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<sup>1</sup> Referred to in the *Criminal Code* as "Review of Detention Where Trial Delayed".

<sup>2</sup> Section 525 places an obligation on an institution that is holding an accused in pre-trial custody to, in certain circumstances, apply to the Court for a hearing to determine whether continued detention is justified. See *R v Myers*, 2019 SCC 18. See *R v Myers*, 2019 SCC 18.

**9** If the accused or the accused's lawyer does not return Form C or if the accused or the accused's lawyer confirms in Form C that the accused wants a detention review, the matter will be spoken to in DRM Chambers on the date set out in Form B, or such other date set by the Court.

**10** Unless the Court otherwise orders if an accused is represented on the application by a lawyer or if an accused indicates in Form C that they do not want a detention review then the accused is not required to attend DRM Chambers and the local registrar will notify the institution that any production order made respecting the accused's appearance in the matter is deemed cancelled. In any event, the lawyer representing the accused on the application is required to appear in DRM Chambers and at any subsequent hearing.

**11** The Crown shall complete a Crown Detention Review Information Sheet in Form D which must be served upon the accused or the accused's lawyer and filed with the Court prior to the date the matter is set to be spoken to in Form B.

**12** If at the DRM Chambers appearance the accused or accused's lawyer requests a substantive hearing to review the accused's continued detention, the Court will set a hearing date without delay.

**13** If an application is set down for a substantive hearing:

- (a) the Crown shall prepare a summary of the evidence it expects to call at trial unless a transcript of a preliminary inquiry on the charges related to the detention of an accused is available. The summary shall be delivered to the accused or accused's lawyer and filed with the Court at least three days before the scheduled substantive hearing date;
- (b) the local registrar will obtain a certified copy of the Provincial Court file including certified copies of the relevant Informations;
- (c) the local registrar will obtain a transcript of any prior show/cause and/or bail review hearing, if any has taken place;
- (d) the local registrar will obtain and deliver to the institution a Court order to produce the accused to attend the substantive hearing;
- (e) the Court may order a Bail Verification and Supervision Report or an updated Bail Verification and Supervision Report.

**14** At the substantive hearing to review an accused's continued detention, the Court may consider:

- (a) the documents and evidence described in paragraph 13;
- (b) any additional credible or trustworthy information which is relevant or material to the Court's analysis.

The proceeding shall be recorded and form part of the Court record.

**15** Any production order issued by the Court to produce the accused to attend proceedings in the Court of King's Bench does not terminate any existing warrant authorizing the institution to hold an accused in custody before trial, nor any remand warrant requiring the accused to be remanded to Provincial Court or King's Bench. The original warrant authorizing the institution to keep the accused in custody before trial shall remain in effect either until the expiry of that warrant or the Court orders the release of the accused with or without conditions.

Chief Justice M.D. Popescul,  
Court of King's Bench for Saskatchewan.

Attachments:

Form A

Form B

Form C

Form D

Detention Review Information for Adults

Detention Review Information for Youth

**FORM A**  
**REVIEW OF DETENTION APPLICATION**

Date: \_\_\_\_\_

The Local Registrar  
Court of King's Bench  
Court House

\_\_\_\_\_, Saskatchewan

Dear Sir/Madam:

Re: The King v \_\_\_\_\_ s.525(1) *Criminal Code*

Remand Start Date: \_\_\_\_\_

Review Date Expires: \_\_\_\_\_

Release Date on Other Matters:

Indictable: \_\_\_\_\_ Summary: \_\_\_\_\_ Unspecified: \_\_\_\_\_

Offences: See attached warrants.

Defence Counsel: Yes: \_\_\_\_\_ No: \_\_\_\_\_

Defence Counsel Name: \_\_\_\_\_

The above named accused is detained in custody under Warrant of Remand, a true copy of which is attached.

Pursuant to the provisions of s.525(1) of the *Criminal Code*, please arrange for a date to be fixed for a hearing to determine whether or not the accused should be released from custody.

Yours truly,

Admitting Supervisor:

Name: \_\_\_\_\_  
(print)

Custody Facility:

\_\_\_\_\_

**FORM B**

COURT FILE NUMBER: CRM \_\_\_\_\_

**COURT OF KING'S BENCH FOR SASKATCHEWAN**

JUDICIAL CENTRE: \_\_\_\_\_

APPLICANT: \_\_\_\_\_ PROVINCIAL CORRECTIONAL CENTRE

IN THE MATTER OF: The King v \_\_\_\_\_ (accused)

**NOTICE OF DETENTION REVIEW****(s.525 Criminal Code)**

To Crown (Provincial): \_\_\_\_\_

To Crown (Federal): \_\_\_\_\_

To Defence: \_\_\_\_\_

To Institution: \_\_\_\_\_

To Accused: \_\_\_\_\_

Remand Start Date: \_\_\_\_\_

Remanded To Date: \_\_\_\_\_

Accused D.O.B.: \_\_\_\_\_

Charge(s) are set out in the attached Warrant.

**First Appearance in Detention Review Management Chambers Date:** \_\_\_\_\_, 20\_\_\_\_.

Time: \_\_\_\_\_

Place: \_\_\_\_\_ Court of King's Bench

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_, Saskatchewan.

\_\_\_\_\_  
*Clerk of the Court of King's Bench***ORDER**

It is hereby ordered that the Detention Review Management Chambers application is set for \_\_\_\_\_ am/pm on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_, Saskatchewan, and further, the Director of the Custody Facility shall produce the accused at the aforesaid time and place.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_, Saskatchewan.

\_\_\_\_\_  
*Justice of the Court of King's Bench*

**A DETENTION REVIEW INFORMATION SHEET MUST BE COMPLETED BY THE CROWN AND FILED BEFORE THE MATTER IS SPOKEN TO AT DETENTION REVIEW MANAGEMENT CHAMBERS. ACCUSED/COUNSEL MAY ADJOURN MATTER ONCE TO THE NEXT REGULARLY SCHEDULED DETENTION REVIEW MANAGEMENT CHAMBERS BY WRITTEN NOTICE FAXED TO THE KING'S BENCH AND THE CROWN. ALL OTHER ADJOURNMENT REQUESTS MUST BE MADE TO THE PRESIDING JUDGE AT DETENTION REVIEW MANAGEMENT CHAMBERS.**



**FORM C**

COURT FILE NUMBER: CRM \_\_\_\_\_

**COURT OF KING'S BENCH FOR SASKATCHEWAN**

JUDICIAL CENTRE: \_\_\_\_\_

APPLICANT: \_\_\_\_\_ PROVINCIAL CORRECTIONAL CENTRE

IN THE MATTER OF: The King v \_\_\_\_\_ (accused)

**SECTION 525 - DETENTION REVIEW****DO YOU WANT A s. 525 DETENTION REVIEW?**

The accused, \_\_\_\_\_ (*print name*), understands that they are entitled to have their continued detention in custody reviewed by a Justice of the Court of King's Bench for Saskatchewan.

Regarding my continued detention:

☐ I want a s.525 detention review☐ I do not want a s.525 detention review\_\_\_\_\_  
(*print name of accused*)\_\_\_\_\_  
(*print name of defence counsel*)\_\_\_\_\_  
(*date*)\_\_\_\_\_  
(*signature of defence counsel*)**(OR)**\_\_\_\_\_  
(*print name of witness*)\_\_\_\_\_  
(*print name of accused*)\_\_\_\_\_  
(*signature of witness*)\_\_\_\_\_  
(*date*)\_\_\_\_\_  
(*signature of accused*)

**THIS FORM IS TO BE RETURNED WITHIN 7 DAYS****FORM D**

COURT FILE NUMBER: CRM \_\_\_\_\_

**COURT OF KING'S BENCH FOR SASKATCHEWAN**

JUDICIAL CENTRE: \_\_\_\_\_

APPLICANT: \_\_\_\_\_ PROVINCIAL CORRECTIONAL CENTRE

IN THE MATTER OF: The King v \_\_\_\_\_ (accused)

**CROWN DETENTION REVIEW INFORMATION****(s.525 Criminal Code)****1. Name of Accused**

Accused: Surname: \_\_\_\_\_ Given Name(s): \_\_\_\_\_

Date of birth: \_\_\_\_\_

**2. Detention Review**

Detention Review Management Chambers Date: \_\_\_\_\_

Basis of Hearing: ☐ 90-day review on indictable charge(s)☐ 30-day review on summary charge(s) – Youth

Date accused entered custody on subject charges: \_\_\_\_\_

Date of last s.520 bail review in King's Bench (if any): \_\_\_\_\_ or N/A.

Date accused sentenced on other matters (if any) ended/ending: \_\_\_\_\_ or N/A.

Does Crown acknowledge accused eligible for hearing under s.525? \_\_\_\_ . If no, explain why.

\_\_\_\_\_  
\_\_\_\_\_**3. The subject charges upon which the accused has been remanded (use additional sheet if required)**

| # | Section of CC | Offence description | Summary or indictable | Information No. |
|---|---------------|---------------------|-----------------------|-----------------|
| 1 |               |                     |                       |                 |
|   |               |                     |                       |                 |
|   |               |                     |                       |                 |
|   |               |                     |                       |                 |
|   |               |                     |                       |                 |

**4. Court proceedings on subject charges**

**A. In Provincial Court** at \_\_\_\_\_ (court location)  
(check applicable box and enter date occurred)

- ☐ Election and Plea on \_\_\_\_\_ ☐ s.503 CC Show Cause on \_\_\_\_\_  
☐ s.515/519 Bail application on \_\_\_\_\_ ☐ Preliminary Inquiry (PI) on \_\_\_\_\_  
☐ PI scheduled to be held on \_\_\_\_\_ ☐ PC Trial scheduled to: \_\_\_\_\_  
☐ Consent release for Diversion Treatment Program date: \_\_\_\_\_  
☐ Scheduled for sentencing on any other matters on: \_\_\_\_\_  
☐ Other: \_\_\_\_\_

Date of next appearance in PC: \_\_\_\_\_ Purpose of next appearance in PC \_\_\_\_\_

**B. In Court of King's Bench** (check box if proceeding occurred)

- ☐ s.520 Bail Review on: \_\_\_\_\_ ☐ Indictment filed on: \_\_\_\_\_  
☐ Pre-Trial on: \_\_\_\_\_ ☐ Trial set to: \_\_\_\_\_ ☐ JA or ☐ JJ  
 Other: \_\_\_\_\_

**5. Reasons for Delay (to date)**


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**6. Bail Application and Review History**

- ☐ No previous application ☐ Bail previously denied

If denied: Date of last App/Review: \_\_\_\_\_ Before: (Court/Judge) \_\_\_\_\_

Grounds: ☐ Primary: \_\_\_\_\_  
☐ Secondary: \_\_\_\_\_  
☐ Tertiary: \_\_\_\_\_

Reasons: \_\_\_\_\_

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**7. Crown's Reasons for/against continued Detention:**


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\_\_\_\_\_  
(print name of Crown counsel)

\_\_\_\_\_  
(signature)

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_, Saskatchewan.



Crown counsel is requested to forward this information by fax to the Court at the Judicial Centre shown on the Notice of Detention Review and to defence counsel (if any) at least three business days before the scheduled hearing date.

**Notice sent to:**

Judicial Centre      Attention:      Phone: (    ) \_\_\_\_\_  
of \_\_\_\_\_      \_\_\_\_\_      Phone: (    ) \_\_\_\_\_

Defence counsel:      Name: \_\_\_\_\_ Firm: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Address: \_\_\_\_\_  
Email: \_\_\_\_\_

**Contact information:**

Crown counsel:      Name: \_\_\_\_\_ Prov: \_\_\_\_\_ Fed: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Address: \_\_\_\_\_  
Email: \_\_\_\_\_

## **DETENTION REVIEW INFORMATION FOR ADULTS**

(pursuant to section 525 of the *Criminal Code*)

### **What is a detention review?**

If you have been on remand for 30 days and the Crown is proceeding summarily or otherwise for 90 days, you are able to have your detention reviewed by a Court of Queen's Bench Judge if your trial has not yet started. A detention review is like a bail hearing in that the Judge looks at whether you should stay in custody. What makes it different from a bail hearing is that if the Judge decides you should stay in custody, the Judge can direct that an earlier court date be set if there has been unreasonable delay.

### **What a detention review is not**

A detention review does not replace a bail hearing or take away your right to have a bail hearing if you have not yet had one. A detention review does not replace your right to apply for a review of a bail hearing decision in which your release was denied.

### **What are your rights?**

You decide whether your detention will be reviewed after being on remand for 90 days. The jail must apply to the Court to review your detention unless you do not want that to happen.

If you do not want a detention review, you can waive that right in writing on a form called "Do You Want a Detention Review?" that will be given to you. If you fill out and sign that form saying you do not want your detention reviewed, the Court will not review your detention.

Before filling out and signing this form, you should talk to your lawyer.

### **What is the Process?**

#### **A. If you want your detention reviewed**

After the jail applies to the Court to review your detention, you will receive from the Court two forms:

1. Notice of Detention Review; and
2. Do You Want a Detention Review?

If you have a lawyer representing you, these forms will also be sent to your lawyer.

The Notice of Detention Review says what the date of your first appearance is.

In the "Do You Want a Detention Review" form, mark an X on the line in the form that says you want a detention review. Sign and date the form. You will then appear in Court by closed circuit TV [CCTV] on the next detention review Court date.

### **What happens at your first appearance?**

This first appearance is not your hearing date but instead when you will speak to a Judge. The Judge will explain the process and answer any questions you have.

You can then decide:

- whether you want a date set for your detention review
- whether you want to adjourn until the next chambers date to get legal advice and / or think about what you want to do
- whether you do not want to have your detention reviewed.

### **What happens during the detention review hearing?**

During the detention review hearing, to decide whether or not you should remain in custody, the Judge will consider things like:

- What is your proposed release plan
- The risk you will not come to Court when required
- The safety of the public, witnesses and complainants
- The seriousness of the offence(s)
- The strength of the case against you
- The length of the sentence you could receive if you are convicted
- How long have you been in custody
- When is your trial or preliminary hearing set for

### **B. If you do not want your detention reviewed**

You will still receive these two forms:

1. Notice of Detention Review; and
2. Do You Want a Detention Review?

You can waive your right to a detention review in the “Do You Want a Detention Review” form by marking an X on the line that says you do not want a detention review and consent to the dismissal of the s. 525. Also sign and date the form.

The appearance on the date in the Notice of Detention Review form will then be cancelled.



CRIMINAL PRACTICE DIRECTIVE NO. 9  
OBTAINING AN ORDER FOR ATTENDANCE OF A PRISONER –  
PRODUCTION ORDER

**REFERENCE: CRIM-PD NO. 9**

**Effective:** September 1, 2022

**Revised:** November 1, 2023; December 1, 2024

**General**

1 Section 527 of the *Criminal Code*<sup>1</sup> establishes the process for procuring the attendance before the court of a person who is confined in a prison.

**Court of King's Bench**

2 Subject to paragraph 3, an application for an order for the attendance of a prisoner before the Court of King's Bench in a criminal proceeding is the responsibility of the party seeking that person's attendance.

3 It is the responsibility of the Crown to apply for an order for the attendance of a prisoner before the Court of King's Bench for all pre-trial motions and trials.

4 Where the attendance of a person confined to a prison is required in the Court of King's Bench in any criminal proceeding, the party who seeks the attendance of a prisoner before the Court shall complete and file with the Court an Application in the attached Form A, an Affidavit of Applicant in the attached Form B, and a draft order in the attached Form C or D, as the case may be.

5 Notwithstanding paragraph 4, the Court of King's Bench does not require an application from a party to order any person confined to a prison to appear before it for the purpose of hearing a detention review application under section 525 of the *Criminal Code*, within the pre-trial conference process as outlined in Criminal Practice Directive #1, or as otherwise deemed appropriate by a Judge of the Court of King's Bench.

6 An order granting the production of a prisoner may be in the attached Form C or the attached Form D with any additional terms and conditions that the Court may direct.

**Provincial Court**

7 Where a person confined to a prison outside of Saskatchewan is required to attend a proceeding before the Provincial Court of Saskatchewan, this practice directive applies insofar as obtaining a production order.

**Cancellation and Replacement**

8 A production order does not cancel or replace any existing Remand Warrant issued by either the Provincial Court of Saskatchewan or the Court of King's Bench.

9 A production order issued by the Court of King's Bench for a prisoner's attendance before it or the Provincial Court of Saskatchewan may be cancelled upon the direction of or by a Judge of the Court of King's Bench.

Chief Justice M.D. Popescul,  
Court of King's Bench for Saskatchewan.

<sup>1</sup>527(1) A judge of a superior court of criminal jurisdiction may order in writing that a person who is confined in a prison be brought before the court, judge, justice or provincial court judge before whom the prisoner is required to attend, from day to day as may be necessary, if

- (a) the applicant for the order sets out the facts of the case in an affidavit and produces the warrant, if any; and
- (b) the judge is satisfied that the ends of justice require that an order be made.

(2) A provincial court judge has the same powers for the purposes of subsection (1) or (7) as a judge has under that subsection where the person whose attendance is required is within the province in which the provincial court judge has jurisdiction.

(3) An order that is made under subsection (1) or (2) shall be addressed to the person who has custody of the prisoner, and on receipt thereof that person shall

- (a) deliver the prisoner to any person who is named in the order to receive him; or
- (b) bring the prisoner before the court, judge, justice or provincial court judge, as the case may be, on payment of his reasonable charges in respect thereof.

(4) Where a prisoner is required as a witness, the judge or provincial court judge shall direct, in the order, the manner in which the prisoner shall be kept in custody and returned to the prison from which he is brought.

(5) Where the appearance of a prisoner is required for the purposes of paragraph (1)(a) or (b), the judge or provincial court judge shall give appropriate directions in the order with respect to the manner in which the prisoner is

- (a) to be kept in custody, if he is ordered to stand trial; or
- (b) to be returned, if he is discharged on a preliminary inquiry or if he is acquitted of the charge against him.

(6) Sections 718.3 and 743.1 apply where a prisoner to whom this section applies is convicted and sentenced to imprisonment by the court, judge, justice or provincial court judge.

(7) On application by the prosecutor, a judge of a superior court of criminal jurisdiction may, if a prisoner or a person in the custody of a peace officer consents in writing, order the transfer of the prisoner or other person to the custody of a peace officer named in the order for a period specified in the order, where the judge is satisfied that the transfer is required for the purpose of assisting a peace officer acting in the execution of his or her duties.

(8) An order under subsection (7) shall be addressed to the person who has custody of the prisoner and on receipt thereof that person shall deliver the prisoner to the peace officer who is named in the order to receive him.

(9) When the purposes of any order made under this section have been carried out, the prisoner shall be returned to the place where he was confined at the time the order was made.



**FORM A**

COURT FILE NUMBER \_\_\_\_\_

COURT OF KING'S BENCH FOR SASKATCHEWAN

JUDICIAL CENTRE \_\_\_\_\_

IN THE MATTER OF: HIS MAJESTY THE KING V \_\_\_\_\_

**APPLICATION FOR ATTENDANCE OF A PRISONER**

1. This without notice application is made for an order that \_\_\_\_\_ *(name)* a prisoner, be brought before the \_\_\_\_\_ *(Provincial Court or Court of King's Bench)* to attend before the presiding judge as follows:

AT: \_\_\_\_\_ *(location of court house)*

ON: the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, at \_\_\_\_\_ a.m./p.m.

2. The prisoner is in custody at \_\_\_\_\_ *(name and location of correctional centre)*

3. The applicant requests that the prisoner attend:

☐ in person☐ by video conference☐ by telephone☐ other: \_\_\_\_\_

DATED at \_\_\_\_\_, Saskatchewan, this \_\_\_\_\_ day  
of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
*(signature)*

**FORM B**

COURT FILE NUMBER \_\_\_\_\_

COURT OF KING'S BENCH FOR SASKATCHEWAN

JUDICIAL CENTRE \_\_\_\_\_

IN THE MATTER OF: HIS MAJESTY THE KING V \_\_\_\_\_

**AFFIDAVIT OF APPLICANT**

I, \_\_\_\_\_ of \_\_\_\_\_, Saskatchewan,  
MAKE OATH AND SAY, or, SOLEMNLY AFFIRM THAT:

1. I am the \_\_\_\_\_ (*Occupation: Crown, defence, assistant to Crown, assistant to defence*) in  
the above noted proceedings and I am informed and believe that:

(a) \_\_\_\_\_, born on \_\_\_\_\_,  
is a prisoner presently confined in the institution referred to in the Notice of  
Application for Attendance of a Prisoner.

(b) The prisoner is detained on a warrant.

(c) The prisoner is:

☐ the/an accused or offender in this matter; or

☐ a witness in the above matter.

(d) The prisoner is required to attend before the Court to: (*set out particulars as to the  
reason the prisoner is required to attend, i.e. plea, pre-trial motion, trial, etc.*)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SWORN (OR AFFIRMED) BEFORE ME

at \_\_\_\_\_, in the Province,

of Saskatchewan, this \_\_\_\_\_ day of

\_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
Commissioner for Oaths for Saskatchewan

My commission expires on \_\_\_\_\_.

\_\_\_\_\_  
(signature)

**FORM C**

COURT FILE NUMBER \_\_\_\_\_

COURT OF KING'S BENCH FOR SASKATCHEWAN

JUDICIAL CENTRE \_\_\_\_\_

IN THE MATTER OF: HIS MAJESTY THE KING V \_\_\_\_\_

**PRODUCTION ORDER FOR PERSONAL ATTENDANCE**

Order made this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_,  
by the Honourable Justice \_\_\_\_\_

WHEREAS \_\_\_\_\_ (*prisoner*), born on \_\_\_\_\_, is in  
custody at \_\_\_\_\_ (*Custody Facility*), and is required to be in attendance,  
in the \_\_\_\_\_ (*Provincial Court or Court of King's Bench*):

AT: \_\_\_\_\_ (*location of court house*)

ON: the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, at \_\_\_\_\_ a.m./p.m.

IT IS HEREBY ORDERED that the person having custody of the above named prisoner deliver him/her to a peace officer with a copy of this order. The prisoner is to be kept in the custody of the peace officer and is to be produced before the \_\_\_\_\_ (*Provincial Court or Court of King's Bench*) at the time and place mentioned above.

IT IS FURTHER ORDERED that once received into the custody of the peace officer, the prisoner may be temporarily held at a custodial facility, Provincial Correctional Centre or Federal Penitentiary in Saskatchewan, where the prisoner is to remain in custody until the time and place mentioned above, and from day to day thereafter until his/her attendance is no longer required for court pursuant to this order.

AND IT IS FURTHER ORDERED that at the completion of the proceedings for which the above named prisoner's attendance is required, the above named prisoner shall be returned to the place where he/she was confined at the time this order was made, unless the presiding judge otherwise directs, or he/she is otherwise dealt with according to law.

ISSUED at the City of \_\_\_\_\_, in the Province of Saskatchewan,  
this day \_\_\_\_\_ of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
(*Clerk of the Court of King's Bench*)

**FORM D**

COURT FILE NUMBER \_\_\_\_\_

COURT OF KING'S BENCH FOR SASKATCHEWAN

JUDICIAL CENTRE \_\_\_\_\_

IN THE MATTER OF: HIS MAJESTY THE KING V \_\_\_\_\_

**PRODUCTION ORDER FOR REMOTE ATTENDANCE**

Order made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_,  
by the Honourable Justice \_\_\_\_\_

WHEREAS \_\_\_\_\_ (*prisoner*), born on \_\_\_\_\_, is in  
custody at \_\_\_\_\_ (*Custody Facility*), and is required to be in attendance,  
in the \_\_\_\_\_ (*Provincial Court or Court of King's Bench*).

AT: \_\_\_\_\_ (*location of court house*)

ON: the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ a.m./p.m.

VIA: ☐ video conference ☐ telephone ☐ other: \_\_\_\_\_

IT IS HEREBY ORDERED that the Director of the above named Custody Facility, cause the above named prisoner to appear in court via video/phone from the Custody Facility, at the aforesaid date and time.

ISSUED at \_\_\_\_\_, in the Province of Saskatchewan,  
this day \_\_\_\_\_ of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
(*Clerk of the Court of King's Bench*)

CRIMINAL PRACTICE DIRECTIVE NO. 10  
INITIAL JUDICIAL INTERIM RELEASE

**REFERENCE: CRIM-PD NO. 10**

**Effective:** November 1, 2022

**Revised:** November 1, 2023

**1** Subject to paragraph 2, the Provincial Court of Saskatchewan will conduct all initial hearings for judicial interim release pursuant to section 515 of the *Criminal Code*, including in cases where an accused has elected trial in the Court of King's Bench, when an indictment, other than a direct indictment, is before the Court of King's Bench, and when the accused has appeared on an indictment in the Court of King's Bench in respect of the same or similar charges as contained in the information.

**2** The Court of King's Bench will conduct all initial hearings for judicial interim release pursuant to section 515 of the *Criminal Code* when an accused has been charged with an offence described in section 469 of the *Criminal Code* or when an accused appears before the Court of King's Bench on a direct indictment pursuant to section 577 of the *Criminal Code*.

This Practice Directive is in accordance with a protocol established between the Saskatchewan Court of King's Bench and the Provincial Court of Saskatchewan.

Chief Justice M.D. Popescul,  
Court of King's Bench for Saskatchewan.

New. Gaz. 10 Nov. 2023.

CRIMINAL PRACTICE DIRECTIVE NO. 11  
PROCEDURE FOR INFORMING PARTICIPANTS OF  
THEIR RIGHT TO COUNSEL –  
SS. 276, 278.3 AND 278.92 OF *THE CRIMINAL CODE*

**REFERENCE: CRIM-PD NO. 11**

**Effective:** March 27, 2023

**Revised:** June 1, 2023

**1** This Practice Directive describes the process by which the Court will perform its obligation to inform a complainant and/or witness of their right to be represented by counsel in relation to the following applications:

- (a) an application pursuant to section 276 of the *Criminal Code* to adduce evidence of a complainant's sexual activity;
- (b) an application pursuant to section 278.3 of the *Criminal Code* to produce third party records relating to the complainant and/or witness; or
- (c) an application pursuant to section 278.92 of the *Criminal Code* to adduce records relating to the complainant that are in the possession of an accused.

**2** This Practice Directive also describes the process by which the Court will perform its obligation under subsection 278.4(2.1) of the *Criminal Code* to inform a person who has possession or control of a record that is the subject of an application under section 278.3, and any other person to whom the record relates, of their right to be represented by counsel.

**Applications under Section 276 and Section 278.92**

**3** Unless otherwise directed, the Prosecutor shall provide a general description of an application brought pursuant to section 276 and/or section 278.92 of the *Criminal Code*, including the nature of the evidence and its relevance to an issue at trial, to the complainant as soon as feasible.

**4** If the Court directs a hearing pursuant to subsection 278.93(4) of the *Criminal Code*, the Prosecutor shall serve a copy of the application and any supporting materials on the complainant.

**5** Notwithstanding paragraph 4, the presiding judge retains the discretion to direct when the complainant will be provided with the application or any redacted portion of it.

**6** Unless otherwise directed, as soon as the hearing is set, the Prosecutor shall inform the complainant of their right to be represented by counsel pursuant to subsection 278.94(3) of the *Criminal Code*. The Prosecutor shall also inform the complainant and/or witness that counsel will be appointed to represent them if requested and if they do not have private counsel.

**Applications under Section 278.3**

**7** An accused who applies for production of a record relating to a complainant and/or witness pursuant to section 278.3 of the *Criminal Code* shall serve a copy of the application on the Prosecutor, the person who has possession or control of the record, the complainant and/or witness, as the case may be, and any other person to whom, to the knowledge of the accused, the record relates, at least 60 days before the hearing referred to in subsection 278.4(1) or any shorter interval that a judge may allow. Notwithstanding the above, it is the Prosecutor who shall serve a copy of the application on the complainant and/or witness where they are to receive a copy.

8 Upon receipt of the accused's application under section 278.3 of the *Criminal Code* and/or as soon as feasible, the Prosecutor shall inform the complainant and/or witness, the person who has possession or control of the record, and any other person to whom the record relates of their right to be represented by counsel pursuant to subsection 278.4(2.1) and subsection 278.6(3) of the *Criminal Code*. The Prosecutor shall also inform the complainant and/or witness that counsel will be appointed to represent them if requested and if they do not have private counsel.

**Procedure for Appointing Counsel**

9 If a complainant and/or witness requests counsel to be appointed to represent them, the Prosecutor shall contact the Court Services Division of the Ministry of Justice to request counsel to be appointed in conjunction with Victim Services.

10 Upon request from the Prosecutor, the Court Services Division of the Ministry of Justice shall:

- (a) in conjunction with Victim Services, appoint counsel for the complainant and/or witness; and
- (b) notify the Prosecutor of the appointment and provide contact information for counsel.

**Procedure at Hearing**

11 In advance of a hearing pursuant to section 278.4 or section 278.94 of the *Criminal Code*, the Court may confirm on record:

- (a) that the Prosecutor has served a copy of the application and supporting materials on the complainant and/or witness, if applicable;
- (b) that the Prosecutor has informed the complainant and/or witness, a person having possession or control of a record, and/or any other person to whom the record relates of their right to be represented by counsel with respect to the application pursuant to subsection 278.4(2.1) and subsection 278.94(3) of the *Criminal Code*; and
- (c) if applicable, that the Prosecutor has contacted the Court Services Division of the Ministry of Justice to facilitate a request by the complainant and/or witness for representation by counsel.

At the hearing pursuant to section 278.4 and/or section 278.94 of the *Criminal Code*, the Court may also confirm on record that the Court's obligations pursuant to subsection 278.4(2.1) and/or subsection 278.94(3) of the *Criminal Code* have been fulfilled through the process described in this Practice Directive.

This Practice Directive is issued in accordance with a protocol established between the Saskatchewan Court of King's Bench and Saskatchewan Provincial Prosecutions.

Chief Justice M.D. Popescul.  
Court of King's Bench for Saskatchewan.

New. Gaz. 1 Jne. 2023.

CRIMINAL PRACTICE DIRECTIVE NO. 12  
ACCESS TO CRIMINAL COURT RECORDS  
AND CRIMINAL PROCEEDING EXHIBITS

**REFERENCE: CRIM-PD NO. 12**

**Effective:** February 1, 2024

**Purpose**

- 1** Access to criminal court records and Court of King's Bench criminal proceeding exhibits is governed by the open courts principle and related jurisprudence. The Court has a supervisory and protective power respecting the court record and the responsibility to ensure that access respects applicable laws and takes into consideration the constitutional rights and other rights and interests involved.
- 2** This practice directive is not intended to restrict access, but instead sets out the proper process for obtaining access and/or permission to copy. To ensure proper application of the law compliance with this practice directive, including Schedule 1 which sets out the accessibility guidelines respecting specific criminal court records, is required.

**Definitions**

- 3 Access:** For the purpose of this practice directive, "access" to criminal court records and/or Court of King's Bench criminal proceeding exhibits means the ability to "see", to "listen" or to "observe" a criminal court record or Court of King's Bench criminal proceeding exhibit. To be granted access to a criminal court record and/or Court of King's Bench criminal proceeding exhibit does not presumptively include the right to copy, make notes, reproduce, or disseminate the specific criminal court record or Court of King's Bench criminal proceeding exhibit. This does not include access to persons observing matters in open court.
- 4 Copy:** For the purpose of this practice directive, "copy" includes photocopying, capturing an image by camera or other imaging device, replicating the data, or otherwise reproducing a criminal court record or a Court of King's Bench criminal proceeding exhibit.
- 5 Criminal Court Record:** For the purpose of this practice directive "criminal court record" means the documents found on the court file, as well as any other information about the court proceedings, that are maintained by the Court of King's Bench including audio recordings and exhibits filed at a preliminary inquiry.
- 6 Exhibit:** For the purpose of this practice directive "exhibit" means any evidence filed in a criminal proceeding and marked as an exhibit during a criminal proceeding before the Court of King's Bench for Saskatchewan. It does not include preliminary inquiry exhibits that were introduced as evidence during a preliminary inquiry at the Provincial Court of Saskatchewan and subsequently filed with the Court of King's Bench.

**Authorization To Access Criminal Court Records**

- 7** Schedule 1 sets out the accessibility guidelines respecting specific criminal court records.
- 8** Where authorization of a judge of the Court is required to obtain access to a criminal court record pursuant to Schedule 1 and no other application form has been prescribed in criminal legislation, another practice directive, or an order of a judge, the application for access shall be made by application without notice in the attached Form A "Application to Access and/or Copy Criminal Court Record(s)".



**Authorization To Copy Criminal Court Records**

**9** A person may only copy or obtain a copy of a criminal court record in accordance with this practice directive or by an order of a judge.

**10** Authorization to copy a criminal court record includes the right to publish the criminal court record subject to any publication ban, court order, restriction against publication described in this practice directive, any other practice directive, or a specific undertaking.

**11** Where the authorization of a judge of the Court is required to copy a criminal court record, and no other application form has been prescribed in criminal legislation, in another practice directive or in an order of a judge, the application shall be made by application without notice in the attached Form A “Application to Access and/or Copy Criminal Court Record(s)”.

**Authorization To Access Court Of King’s Bench Criminal Proceeding Exhibits**

**12** When any person, other than counsel for the Crown, counsel for the accused, or a self-represented accused in the criminal proceeding seeks access to an exhibit, the application shall be made by application in the attached Form B “Application to Access and/or Copy Criminal Proceeding Exhibit(s)”. The application shall be directed to the judge presiding over the criminal proceeding or the judge who had presided over the criminal proceeding. If the judge who presided over the criminal proceeding is not available, the Chief Justice or his designate may designate a judge to determine the application.

**13** Once the application has been completed and signed by the applicant, the local/deputy registrar shall determine from Crown counsel and counsel for the accused or a self-represented accused in a criminal proceeding whether they object to the application. The local/deputy registrar will have counsel endorse their consent or objection on Form B, or alternatively, will record their consent or objection.

**14** Counsel for the Crown, counsel for the accused, or a self-represented accused in the criminal proceeding will be granted access to exhibits without judicial authorization; however, the local registrar or designate shall regulate the manner of access to ensure the integrity of the exhibits.

**Authorization To Copy Court Of King’s Bench Criminal Proceeding Exhibits**

**15** When any person seeks to copy an exhibit in a criminal proceeding, the application shall be made in the attached Form B “Application to Access and/or Copy Criminal Proceeding Exhibit(s)”. The application shall be directed to the judge presiding over the criminal proceeding or the judge who had presided over the criminal proceeding. If the judge who presided over the criminal proceeding is not available, the Chief Justice or his designate may designate a judge to determine the application.

**16** Once the application has been completed and signed by the applicant, the local/deputy registrar will determine from Crown counsel and counsel for the accused or a self-represented accused in a criminal proceeding whether they object to the application. The local/deputy registrar will have counsel and/or self-represented accused endorse their consent or objection on Form B, or alternatively, will record their consent or objection.

**17** Authorization to copy a criminal proceeding exhibit includes the right to publish the exhibit, subject to any publication ban, court order, restriction against publication described in this practice directive, any other practice directive, or a specific undertaking.

**Exemption From Practice Directive**

**18** This practice directive does not apply to any third party justice agencies which require documentation in the course of the administration of justice and who have pre-existing protocols and/or understandings in place with the Court of King's Bench for Saskatchewan.

**Duty To Abide By Court Orders**

**19** Any person granted access to and/or authorization to copy a criminal court record and/or criminal proceeding exhibit, either by a local registrar or a judge of the Court, is responsible for informing themselves and complying with any publication ban, either discretionary or mandatory, and/or any sealing order.

Chief Justice M.D. Popescul,  
Court of King's Bench for Saskatchewan.

New. Gaz. 26 Jan. 2024.

## SCHEDULE 1

**1** It is the legal responsibility of all persons who are permitted access to criminal court records and/or criminal exhibits to determine if a criminal court record and/or criminal exhibit is subject to a publication ban and to comply with such ban. This includes both mandatory and discretionary publication bans ordered by a court. The principle of open access is subject to any such publication bans and/or sealing orders.

**2** The principle of open access applies and the following criminal court records are accessible and may be copied, subject to any publication ban, without authorization of a judge:

Informations, including all Provincial Court for Saskatchewan endorsement sheets; Indictments, Direct Indictments and Preferred Indictments, including all endorsement sheets; written decisions, and/or judgments; Release Orders; Warrants for Committal; Remand Warrants; Bench Warrants; Summonses; Appearance Notices; Undertakings; Recognizances; Records of Conviction (Form 35 of the *Criminal Code*, RSC 1985, c C-46 [*Criminal Code*]); Orders Against an Offender (Form 36 *Criminal Code*); Orders Acquitting an Accused (Form 37 *Criminal Code*), Prohibition Orders (s. 109); Sex Offender Information Registration Act Orders (Form 52 *Criminal Code*); DNA Orders; Victim Surcharge Orders; Forfeiture Orders; Restitution Orders; Probation Orders; and Conditional Sentence Orders.

Any publication ban shall be clearly marked on any criminal court record provided pursuant to this paragraph.

**3** The principle of open access applies and the following criminal court records and/or exhibits shall be accessible upon authorization of a judge and upon such conditions as the judge imposes, and may be copied if authorized by a judge upon such conditions as the judge imposes:

| <b>Criminal court record</b>   | <b>Comments</b>   |
|--|---|
| Preliminary inquiry exhibits   | These are accessible and may be copied upon authorization of a judge.   |
| All applications, supporting materials, including affidavits, and briefs of law, except for those applications specifically dealt with in paragraph 4. | These are accessible and may be copied by counsel on the file and the self-represented accused on the file.<br>These are accessible and may be copied by other persons upon authorization of a judge.   |
| Exhibit lists and exhibits filed in all Court of King's Bench criminal proceedings   | These are accessible to counsel on the file and the self-represented accused on the file.<br>These are accessible to other persons upon authorization of a judge.<br>All persons must apply to copy Court of King's Bench criminal proceeding exhibits. |
| Transcripts  | These are accessible to and may be copied by counsel on the file and the self-represented accused on the file.<br>These are accessible and may be copied by other persons upon authorization of a judge.  |
| USBs, tape recordings, CDs   | These are accessible upon authorization of a judge.   |
| Audio recordings of court proceedings  | Applications for an audio recording of a court proceeding shall be made pursuant to Criminal Practice Directive #7.   |

| <b>Criminal court record</b>  | <b>Comments</b>  |
|---|--|
| Production orders, pre-sentence reports, judicial interim release reports, medical reports, psychiatric and psychological reports, <i>Gladue</i> reports, or any assessment made or written material filed under s. 672.11, s. 672.2, or s. 752.1(1) <i>Criminal Code</i> | These are accessible to and may be copied by counsel on the file and the self-represented accused on the file.<br>These are accessible and may be copied by other persons upon authorization of a judge. |
| Criminal history/criminal record of a person  | These are accessible to and may be copied by counsel on the file and the self-represented accused on the file.<br>These are accessible and may be copied by other persons upon authorization of a judge. |
| Victim impact statements  | These are accessible to and may be copied by counsel on the file and the self-represented accused on the file.<br>These are accessible and may be copied by other persons upon authorization of a judge. |
| Letters of support filed in support of an accused   | These are accessible to and may be copied by counsel on the file and the self-represented accused on the file.<br>These are accessible and may be copied by other persons upon authorization of a judge. |
| Pre-trial conference forms  | These are only accessible to counsel for the Crown, counsel for the accused and a self-represented accused on the file. (Criminal Practice Directive #1)   |
| Jury lists and juror information  | These are accessible upon compliance with Criminal Practice Directive #2.  |
| Other criminal court records not specifically referred to in paragraphs 2, 3 and 4.   | These are accessible and may be copied upon authorization of a judge.  |

4 Legislation and/or court orders may limit or prohibit access to certain criminal records and/or criminal exhibits. Accordingly, the following are only accessible upon authorization of a judge, unless otherwise specified:

| <b>Criminal court record</b>   | <b>Comments</b>  |
|--|--|
| Preliminary inquiry transcripts, CDs or recordings   | These are accessible to and may be copied by counsel on the file and the self-represented accused on the file.<br>These are accessible and may be copied by other persons upon authorization of a judge. |
| Judicial interim release hearings, show cause hearings, bail hearings, bail reviews and/or detention review hearings   | These are accessible to and may be copied by counsel on the file and the self-represented accused on the file.<br>These are accessible and may be copied by other persons upon authorization of a judge. |
| Defence applications, supporting material, including affidavits pursuant to <i>Criminal Code</i> s. 276 (complainant's sexual history evidence), s. 278 (records relating to a complainant) and/or all other defence applications for third party records. | These are accessible to counsel on the file and the self-represented accused on the file.<br>Access is prohibited to other persons without an order of a judge (ss. 276 and 278 <i>Criminal Code</i> ).  |

| <b>Criminal court record</b>   | <b>Comments</b>   |
|--|---|
| All material, affidavits and records filed in response to a defence application pursuant to <i>Criminal Code</i> s. 276, s. 278 and/or all other defence applications for third party records. | Access is prohibited without an order of a judge.   |
| Applications, supporting material, including affidavits and all records relating to proceedings held in a closed courtroom/ <i>in camera</i> .   | These are accessible to counsel on the file and the self-represented accused on the file upon authorization of a judge.<br>Access is prohibited to other persons without an order of a judge.   |
| Criminal record to which a pardon or record suspension applies   | Access is prohibited to court records relating to record suspensions (formerly known as pardons), nor can the existence of such records be disclosed to any person. ( <i>Criminal Records Act</i> , RSC 1985, c C-47)<br>There is an exception. The subject of the record suspension (pardon) may be provided a copy of any court record that still exists, with the order of a judge, if they, or a party acting on their behalf with their authorization, requests access. Such a request should be made in writing and should specify the purpose for which the request is being made. |
| Criminal record containing an absolute or conditional discharge  | Access is prohibited to court records relating to absolute discharges and conditional discharges in accordance with the <i>Criminal Records Act</i> , RSC 1985, c C-47, nor can the existence of such records be disclosed to any person.<br>There is an exception. The subject of the absolute or conditional discharge may apply for access in accordance with the procedure set out in the <i>Criminal Records Act</i> .   |
| All materials related to search warrants   | Access is prohibited without an order of a judge.   |
| Sealed files, court records and/or sealed documents.   | Access is prohibited without an order of a judge.   |
| All materials relating to Part VI and Part XV of the <i>Criminal Code</i> , including wiretaps, surveillance orders, assistance orders, tracking warrants, search warrants, etc.               | Access is prohibited without an order of a judge, nor can the existence of any such applications, supporting materials or record be disclosed to any person without an order of a judge.  |
| All materials – <i>Youth Criminal Justice Act</i> , SC 2002, c 1   | These are accessible to counsel for the accused young person, the self-represented accused young person and counsel for the Crown on the file (s. 119 <i>YCJA</i> ).<br>Access to other persons is prohibited without an order of a judge.  |
| All materials – <i>The Missing Persons and Presumption of Death Act</i> , SS 2009, c M-20.01   | Access is prohibited without an order of a judge in accordance with the legislation.  |
| All materials – <i>The Mandatory Testing and Disclosure (Bodily Substances) Act</i> , SS 2005, c M-2.1   | Access is prohibited without an order of a judge in accordance with the legislation.  |

| <b>Criminal court record</b>   | <b>Comments</b>  |
|--|--|
| All materials – <i>The Protection from Human Trafficking Act</i> , SS 2021, c 23   | Access is prohibited without an order of a judge in accordance with the legislation. |
| All materials – <i>The Public Health Act, 1994</i> , SS 1994, c P-37.1   | Access is prohibited without an order of a judge in accordance with the legislation. |
| All materials – <i>The Police Act, 1990</i> , SS 1990-91, c P-15.01  | Access is prohibited without an order of a judge in accordance with the legislation. |
| Other criminal court records and/or criminal exhibits where access is restricted pursuant to legislation not specifically mentioned in paragraph 4 | Access is prohibited without an order of a judge.                                    |
| Judges' bench books/notes, scheduling documents, clerk's log notes, and any other internal court documents   | Access is prohibited without an order of a judge.                                    |

New. Gaz. 26 Jan. 2024.

**FORM A**

COURT FILE NUMBER \_\_\_\_\_

**COURT OF KING'S BENCH FOR SASKATCHEWAN**

JUDICIAL CENTRE \_\_\_\_\_

IN THE MATTER OF HIS MAJESTY THE KING v \_\_\_\_\_

**APPLICATION TO ACCESS AND/OR COPY CRIMINAL COURT RECORD(S)****REQUEST MADE BY THE APPLICANT:**

Name: \_\_\_\_\_ Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Occupation: \_\_\_\_\_

\_\_\_\_\_ to access \_\_\_\_\_ to copy

**CRIMINAL COURT RECORD(S) REQUESTED:***Set out a detailed description of the criminal court record(s) being requested.*

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**REASONS FOR SEEKING ACCESS TO OR COPY OF CRIMINAL COURT RECORD(S):***Set out the reasons for seeking access to the record(s) or reasons for copying the criminal court record(s) and use to be made of the criminal court record(s).*

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Signed by Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

**ORDER – FORM A**

COURT FILE NUMBER \_\_\_\_\_

ORDER MADE BY: \_\_\_\_\_ DATE: \_\_\_\_\_

ACCESS TO THE FOLLOWING CRIMINAL COURT RECORD(S):

\_\_\_\_\_  
\_\_\_\_\_

/ OR AUTHORIZATION TO COPY THE FOLLOWING CRIMINAL COURT RECORD(S):

\_\_\_\_\_  
\_\_\_\_\_

(A) Is denied:

☐ For the reason no such criminal court record exists or may be acknowledged to exist☐ For the following reasons:\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_(B) ☐ Is authorized without condition upon the payment of applicable court fees\_\_\_\_\_  
\_\_\_\_\_(C) ☐ Is authorized upon the following conditions:\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_\_\_\_\_\_  
*King's Bench Judge*

New. Gaz. 26 Jan. 2024.



**FORM B**

COURT FILE NUMBER \_\_\_\_\_

**COURT OF KING'S BENCH FOR SASKATCHEWAN**

JUDICIAL CENTRE \_\_\_\_\_

IN THE MATTER OF HIS MAJESTY THE KING v \_\_\_\_\_

**APPLICATION TO ACCESS AND/OR COPY CRIMINAL PROCEEDING EXHIBIT(S)****REQUEST MADE BY THE APPLICANT:**

Name: \_\_\_\_\_ Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Occupation: \_\_\_\_\_

\_\_\_\_\_ to access \_\_\_\_\_ to copy

**CRIMINAL EXHIBIT(S) REQUESTED:***Set out a detailed description of the criminal court record(s) being requested.***Exhibit #****Description of Exhibit**

|       |       |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

**REASONS FOR SEEKING ACCESS TO OR AUTHORIZATION TO COPY CRIMINAL****EXHIBIT(S):** *Set out the reasons for seeking access to the exhibit(s) or the reasons for copying the criminal exhibit(s) and use to be made of the exhibit(s).*

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| _____ |
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Signed by Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

*[Once signed, this Application to Access and/or Copy Criminal Proceeding Exhibit(s) form is to be provided to the local/deputy registrar who will then determine from counsel whether they object to the exhibit(s) being provided.]*Counsel for the Crown: ☐ Consent ☐ Object\_\_\_\_\_  
*signature*Counsel for the Defence: ☐ Consent ☐ Object\_\_\_\_\_  
*signature*

**ORDER – FORM B**

COURT FILE NUMBER \_\_\_\_\_

ORDER MADE BY: \_\_\_\_\_ DATE: \_\_\_\_\_

ACCESS TO THE FOLLOWING CRIMINAL PROCEEDINGS EXHIBIT(S):

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(A) Is denied:

☐ For the reason no such criminal exhibit record exists or may be acknowledged to exist☐ For the following reasons:

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(B) ☐ Is authorized without condition upon the payment of applicable court fees

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(C) ☐ Is authorized upon the following conditions:

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J.  
*King's Bench Judge*

## CRIMINAL PRACTICE DIRECTIVE NO. 13

## REMAND WARRANTS

**REFERENCE: CRIM-PD NO. 13****Effective:** February 1, 2024

**1** The Court of King's Bench, in remanding accused persons, will issue a Warrant of Committal in Form 8 of the *Criminal Code*, attached as Form A (referred to from this point as a "remand warrant").

**2** A remand warrant issued by the Court of King's Bench remands an accused until they are dealt with according to law and only expires when all counts listed on the remand warrant are resolved by stay, withdrawal, acquittal, conviction (including a conviction on a lesser included offence) or sentence, or when a Release Order is issued.

**No Automatic Cancellation or Replacement of a Provincial Court Remand Warrant**

**3** A remand warrant issued by the Court of King's Bench does not cancel, replace or affect any remand warrant issued by a Provincial Court judge, including any remand warrant relating to the same counts.

**4** A Production Order issued by the Court of King's Bench does not cancel, replace or affect any remand warrant issued by a Court of King's Bench judge or a Provincial Court judge.

**5** The filing of an indictment, including a direct indictment, in the Court of King's Bench, does not cancel, replace or affect a remand warrant issued by a Provincial Court judge.

**Process to Cancel a Provincial Court of Saskatchewan Remand Warrant in the Court of King's Bench**

**6** The Court of King's Bench will not cancel a remand warrant issued by a Provincial Court judge in Form 8 or Form 19 of the *Criminal Code*, unless an application to cancel the remand warrant is made to the Court of King's Bench on the record.

**7** When an indictment is concluded in the Court of King's Bench, it is the responsibility of the Crown to ensure there are no additional charges in the Provincial Court related to that indictment that need to be addressed. These may include:

- charges in an information pending before the Provincial Court;
- charges in an information that have been transferred to the Court of King's Bench pursuant to Criminal Practice Directive #6 – Summary Conviction or Absolute Jurisdiction Offences;
- charges in relation to which jurisdiction has been transferred to the Court of King's Bench but were not included in the indictment or appear as a different offence or lesser included offence

**Remand Warrants Relating to Counts in an Information Subsequently Not Contained in the Indictment**

**8** Where a remand warrant issued by the Provincial Court judge contains counts in an information which subsequently are not included in an indictment, it is the responsibility of the Crown to address whether the remand warrant in respect of the counts not contained in the indictment should be cancelled or continued.

**9** To facilitate the identification of any outstanding remand warrants issued by a Provincial Court judge, the Crown shall identify on the face of every indictment the related information number(s) and specific count(s) in the information(s) relating to each count in the indictment.

**10** If any questions arise relating to the remand status of an accused pursuant to a remand warrant issued by the Court of King's Bench, such questions shall be directed to the Court of King's Bench through the registry office in the applicable judicial centre.

Chief Justice M.D. Popescul,  
Court of King's Bench for Saskatchewan.

New. Gaz. 26 Jan. 2024.

**FORM A - WARRANT OF COMMITTAL****FORM 8**

Sections 493 and 515

COURT FILE NUMBER: CRM \_\_\_\_\_

COURT OF KING'S BENCH FOR SASKATCHEWAN

JUDICIAL CENTRE: \_\_\_\_\_

IN THE MATTER OF: The King v \_\_\_\_\_ (accused)

Indictment Count ( \_\_\_\_\_ ) – Information # \_\_\_\_\_ Count ( \_\_\_\_\_ )

Indictment Count ( \_\_\_\_\_ ) – Information # \_\_\_\_\_ Count ( \_\_\_\_\_ )

Indictment Count ( \_\_\_\_\_ ) – Information # \_\_\_\_\_ Count ( \_\_\_\_\_ )

Occurrence #: \_\_\_\_\_

**CANADA****Province of Saskatchewan****Judicial Centre of** \_\_\_\_\_To the peace officers in the Province of Saskatchewan and to the keeper of the \_\_\_\_\_  
(prison)

at \_\_\_\_\_

This warrant is issued for the committal of \_\_\_\_\_

of \_\_\_\_\_ (place), born on \_\_\_\_\_ (date of birth),

referred to in this warrant as the accused.

Because the accused has been charged with \_\_\_\_\_

\_\_\_\_\_  
(set out briefly the offence in respect of which the accused is charged)

And because (check those that are applicable)

☐ (a) the prosecutor has shown cause why the detention of the accused in custody is justified [s. 515(5)];☐ (b) a release order has been issued but the accused has not yet complied with the conditions of the order [ss. 519(1), 520(9), 521(10), 524(8), 525(6)];\*☐ (c) the application by the prosecutor for a review of the release order has been allowed and that release order has been vacated, and the prosecutor has shown cause why the detention of the accused in custody is justified [s. 521];

☐ (d) the accused has contravened *or* was about to contravene a (summons *or* appearance notice *or* undertaking *or* release order) and it was cancelled, and the detention of the accused in custody is justified [ss. 515(10), 523.1(3), 524(3) and (4)];

☐ (e) there are reasonable grounds to believe that the accused has committed an indictable offence after having become subject to the (summons *or* appearance notice *or* undertaking *or* release order) and the detention of the accused in custody is justified [ss. 515(10), 524(3) and (4)];

☐ (f) with the consent of the accused, and subject to their right to apply to the Provincial Court of Saskatchewan for interim release, the accused is remanded until they are dealt with according to law.

Therefore, you are ordered, in His Majesty's name, to arrest the accused and convey them safely to the prison and there deliver them to its keeper, with the following order:

You are ordered to receive the accused in your custody in this prison and keep them safely there until they are delivered by due course of law.

Signed on \_\_\_\_\_ (date), at \_\_\_\_\_, Saskatchewan (place).

\_\_\_\_\_  
*Signature of judge or clerk of the Court of King's Bench*

Warrant issued by: \_\_\_\_\_ (name of judge)

\* If the person having custody of the accused is authorized under s. 519(1)(b) of the Criminal Code to release the accused if they comply with a release order, endorse the authorization on this warrant and attach a copy of the order.

CIVIL PRACTICE DIRECTIVE NO. 1  
E-DISCOVERY GUIDELINES

**REFERENCE: CIV-PD NO. 1**

Former reference: Practice Directive No. 6 issued September 1, 2009

**Effective:** July 1, 2013

**Revised:** November 1, 2023

**1** While electronic documents are included in the definition of “document” contained in Rule 17-1 of *The King’s Bench Rules*, this Practice Directive sets out relevant principles relating to e-discovery of electronically stored information. E-discovery refers to the preservation, retrieval, disclosure and production of documents from electronic sources and in electronic form.

**2** Parties in actions which involve e-discovery should consult and have regard to the document titled “The Sedona Canada Principles Addressing Electronic Discovery, Third Edition”, which can be found at:  
[https://thesedonaconference.org/publication/The\\_Sedona\\_Canada\\_Principles](https://thesedonaconference.org/publication/The_Sedona_Canada_Principles)

**3** In accordance with King’s Bench Rule 5-7, the Guidelines outlined in “Appendix A”, which incorporate the Sedona Canada Principles, apply to the disclosure, discovery and inspection of electronically stored information, except where they specifically conflict with *The King’s Bench Rules*.

**4** The objective of the Guidelines is to guide lawyers, parties and the judiciary in the e-discovery process. It is intended that the Guidelines provide an appropriate framework to address how to conduct e-discovery, based on norms that the bench and bar can adopt and develop over time as a matter of practice.

Chief Justice M.D. Popescul,  
Court of King’s Bench for Saskatchewan.

New. Gaz. 17 Nov. 2023.

APPENDIX A –  
GUIDELINES FOR ELECTRONIC DISCOVERY

**Principle 1:** Subject to the following principles, electronically stored information that is relevant to any matter in question in the action must be disclosed in accordance with Part 5 of *The King's Bench Rules*.

**Commentary:**

Electronically stored information [ESI] is included in the definition of “document” contained in Rule 17-1 of *The King's Bench Rules* and must therefore be disclosed in accordance with Part 5 of *The King's Bench Rules*.

Typical forms of ESI include, but are not limited to, email data, word processing files, spreadsheets, web pages, video and sound recordings, chat and text messages, digital photographs, information on web pages and social media, mobile device data, location data, biometric data, and the Internet of Things (a catchall term used to describe a broad array of electronic devices, such as computers, refrigerators, lights, etc., that are connected to the internet and may collect, store, and/or share information).

**Principle 2:** In any proceeding, the obligations of the parties with respect to discovery and inspection of electronic documents, including the cost associated with locating electronic documents, should be proportionate, taking into account:

- (i) the nature and scope of the litigation;
- (ii) the importance and complexity of the issues and interests at stake;
- (iii) the amount involved in the action;
- (iv) the relevance of available ESI;
- (v) the importance of the ESI to the court's adjudication; and
- (vi) the costs, burden and delay that the discovery of ESI may impose on the parties.

**Commentary:**

The concept of proportionality is a central tenet of both *The King's Bench Rules* (Rule 1 3(4)) and *The Sedona Canada Principles Addressing Electronic Discovery*, Third Edition. The concept of proportionality has been introduced into the rules of procedure of most superior courts in Canada and has been described as a reaction to delays and costs impeding access to justice.

In the context of e-discovery, proportionality is the “reasonableness” principle applied to the question of how much time and effort a party should have to expend with respect to production of ESI in light of all the relevant factors.

The application of this principle depends, in the first instance, on the parties, who should confer about the concept of proportionality and attempt to agree upon its application to an action. If the parties are unable to agree, and a party can demonstrate that the likely probative value of a document is outweighed by the cost associated with locating the document, the party should not be obliged to locate the document at issue.

**Principle 3:** As soon as litigation or investigation is anticipated, parties must consider their obligation to take reasonable and good-faith steps to preserve electronically stored information.



**Commentary:**

The obligation to preserve relevant ESI applies to both parties as soon as litigation is contemplated or threatened, however, the obligation is not unlimited. The scope of what is to be preserved and the steps considered reasonable may vary widely depending upon the nature of the claims and documents at issue. A reasonable inquiry based on good faith to identify and preserve active and archival data should be sufficient.

“Metadata” is electronic information that is recorded by the system about a particular document, concerning its format, and how, when, and by whom it was created, saved, accessed, or modified. In most actions, metadata will not be relevant. For this reason, a party should be entitled to assume that its metadata is not relevant (and need not be preserved) unless it knows that its metadata is relevant.

**Principle 4:** Counsel and parties should cooperate in developing a joint discovery plan to address all aspects of discovery including the identification, preservation, collection, processing, review, and production of electronically stored information. Counsel and parties should continue to cooperate throughout the discovery process.

**Commentary:**

The purpose of discovery planning is to identify and resolve discovery-related issues in a timely fashion. Parties should confer about and attempt to agree upon the need to preserve ESI as early as possible. Conferring early is one of the keys to effective e-discovery for all parties. By identifying and attempting to resolve disputes about e-discovery issues at an early stage in an action, parties can avoid costly collateral litigation relating to these disputes.

The scope of searches required for relevant electronic documents must be reasonable. It is neither reasonable nor feasible to require that litigants immediately or always canvass all potential sources of electronic documents in the course of locating, preserving and producing them in the discovery process.

The application of this principle depends on the parties who should confer about and attempt to agree upon about the use of targeted electronic search techniques, including search criteria to be used to extract relevant electronic documents, including search terms, selected metadata fields, de-duplication, email threading, assisted review or active learning techniques.

Parties should confer and attempt to agree on all substantive and procedural issues relating to e-discovery, including but not limited to (i) the concept of proportionality and its application to an action, (ii) the relevance of and the need to preserve deleted or residual electronic documents and metadata and the need to preserve and/or produce specific electronic documents in electronic form, (iii) the use of targeted electronic search techniques, (iv) issues relating to production of electronic documents including the format for document numbering and production, and (v) any proposed change to the normal allocation of costs.

Any agreement reached relating to e-discovery should be reduced to writing for future reference when necessary.

**Principle 5:** The parties should be prepared to produce relevant electronically stored information that is reasonably accessible in terms of cost and burden.

**Commentary:**

For most litigation, the relevant ESI will be that which is reasonably accessible in that it can be accessed or viewed by computer users and which is exchanged between parties in the ordinary course of business (active data). Traditionally, this includes emails and electronic files. This principle also includes archival data (electronic documents organized and maintained for long-term storage and record keeping purposes) that is still readily accessible.

In most cases, the primary location in which to search for ESI should be the parties' active data and any other information that was stored in a manner that anticipated future business use, and that still permits efficient searching and retrieval.

**Principle 6:** A party should not be required, absent agreement or a court order based on demonstrated need and relevance, to search for or collect deleted or residual electronically stored information that has been deleted in the ordinary course of business or within the framework of a reasonable information governance structure.

**Commentary:**

Only exceptional cases will turn on deleted or discarded ESI. As such, residual or replicant data need not be preserved or produced absent agreement or an order of the court. In an action where deleted or residual ESI may be relevant, the parties should communicate this information to one another early in the process to avoid unnecessary preservation, inadvertent deletion and/or claims of spoliation.

**Principle 7:** A party may use electronic tools and processes to satisfy its discovery obligations.

**Commentary:**

Parties to litigation should discuss and agree on the implementation of appropriately targeted selection criteria to limit the preservation and collection of unnecessary data. Consideration should be given to employing an e-discovery methodology or technology to target the identification, preservation and collection of information. However, when using technology, procedural safeguards should be developed to ensure the technology is used consistently and effectively.

**Principle 9:** In general, the interim costs of preservation, retrieval, review and production of electronic documents will be borne by the party producing them. The other party will be required to incur the interim cost of making a copy, for its own use, of the resulting productions. In special circumstances, it may be appropriate for the parties to agree and/or for the court to order a different allocation of costs on an interim basis.

**Commentary:**

This principle accords with the existing practice followed in Saskatchewan in relation to the costs associated with the disclosure and production of documents. The special circumstances referred to in this principle could include situations where a party requests disclosure that involves extraordinary cost for the other party such as disclosure requiring forensic searches, disclosure requiring extensive backup restoration work or disclosure requiring the creation of subsets of data that do not exist in the normal business environment.

**Principle 10:** Where parties are unable to agree on the substance of each party's rights and obligations with respect to e-discovery and on procedures required to give effect to those rights and obligations, either party may make an appearance day application to the court in accordance with Subdivision 3 of Part 6 of *The King's Bench Rules* to address these issues.

**Commentary:**

The parties' obligation to confer on issues relating to e-discovery is a real obligation. Parties are expected to actually confer and to genuinely attempt to agree on substantive and procedural issues relating to e-discovery before completing a joint request for a post pleadings conference as described in this principle.

**Principle 11:** Where parties are unable to agree on issues surrounding the use of technology for the preparation and management of civil litigation in the court, they should be governed by the default standard specified in the Canadian Judicial Council's National Generic Protocol on the Use of Technology in Civil Litigation.

The Guidelines are intended to apply to actions which involve e-discovery in Saskatchewan but do not address the use of electronic evidence.

Parties should confer and attempt to agree on issues surrounding the use of technology for the preparation and management of civil litigation in the court. Where parties are unable to agree, they should be governed by the default standard specified in the Canadian Judicial Council's National Generic Protocol on the Use of Technology in Civil Litigation which can be found on CanLII at 2008CanLIIDocs 710, subject to amendments by order of the court or by further agreement of the parties.

CIVIL PRACTICE DIRECTIVE NO. 2  
BANKRUPTCY AND INSOLVENCY

**REFERENCE: CIV-PD NO. 2**

Former reference: Practice Directive No. 16 issued September 1, 2003

**Effective:** July 1, 2013

**Revised:** November 1, 2023

- 1** There will be a panel of judges dedicated to dealing with matters of bankruptcy, insolvency, receivership or proceedings under the *Companies' Creditors Arrangement Act*, RSC 1985, c C-36.
- 2** To bring a petition or application before one of the judges on the panel, a party shall contact the local registrar to obtain a return date for the application. The local registrar will fix a date after consultation with the member of the panel selected by the Chief Justice.
- 3** If a petition or application is not initially brought before a member of the panel, a respondent may have the matter transferred to a member of the panel by filing a request for transfer with the local registrar within 24 hours of receiving notice of the petition or application. The request for transfer shall be served on all other parties to the proceeding before it is filed with the local registrar. Upon receiving the request for transfer, the local registrar will fix a date after consultation with the member of the panel selected by the Chief Justice.

Chief Justice M.D. Popescul,  
Court of King's Bench for Saskatchewan.

New. Gaz. 17 Nov. 2023.

CIVIL PRACTICE DIRECTIVE NO. 3  
MANAGEMENT OF MULTI-JURISDICTIONAL CLASS ACTIONS

**REFERENCE: CIV-PD NO. 3**

Former reference: Notice to the Profession issued December 5, 2011

**Effective:** July 1, 2013

**Revised:** November 1, 2023

**1** The Canadian Judicial Protocol for the Management of Multi-Jurisdictional Class Actions approved by the Canadian Judicial Council and attached as Appendix A to this practice directive shall apply to multi-jurisdictional class actions in the Court of King's Bench for Saskatchewan, subject to any order of the Court to the contrary.

Chief Justice M.D. Popescul,  
Court of King's Bench for Saskatchewan.

New. Gaz. 17 Nov. 2023.

**APPENDIX A – CIVIL PRACTICE DIRECTIVE NO. 3****Resolution 11-03-A – Annex 1****Canadian Judicial Protocol  
for the Management of Multi  
Jurisdictional Class Actions****Preamble**

The purpose of this protocol is to make use of existing class action legislation, the Rules of Court and Rules of Civil Procedure in various provincial jurisdictions to facilitate the management of multi-jurisdictional class actions.

Each provincial class action statute permits a court to make orders it considers appropriate for the fair and expeditious conduct of the action. Most of these statutes permit the court to make such orders on its own initiative or on the motion of a party or a class member. The relevant statutory provisions are found in Schedule A to this protocol.

The protocol provides for the creation of a Notification List of all Counsel involved in class actions concerning the same or similar subject matter, and the approval and administration of settlements through Multijurisdictional Class Settlement Approval Orders.

The Notification List is intended to allow Counsel in the various actions to be given notice of developments in all the actions.

A Multijurisdictional Class Settlement Approval Order is intended to facilitate the coordination of settlement approval hearings where a joint settlement is proposed for class actions.

**Resolution 11-03-A-Annexe 1****Protocole judiciaire canadien  
de gestion de recours collectifs  
multijuridictionnels****Préambule**

Ce protocole a pour but de tirer parti des règles de pratique, des règles de procédure civile et des lois sur les recours collectifs existant déjà dans diverses provinces pour faciliter la gestion des recours collectifs multijuridictionnels.

Chaque loi provinciale sur les recours collectifs permet à un tribunal de rendre les ordonnances qu'il juge indiquées afin que le recours soit géré de façon équitable et efficace. La plupart de ces lois prévoient que le tribunal peut rendre une telle ordonnance de sa propre initiative ou à la demande d'une partie ou d'un membre d'un groupe. Les dispositions pertinentes se trouvent à l'annexe A du présent protocole.

Le protocole prévoit la création d'une liste de tous les avocats impliqués dans des recours collectifs portant sur le même objet ou sur des objets semblables; il prévoit aussi l'approbation et l'administration des règlements par le truchement d'ordonnances d'approbation de règlement multijuridictionnelles.

La liste des avocats impliqués est destinée à permettre aux avocats des divers recours d'être informés des faits nouveaux dans tous les recours.

Une ordonnance d'approbation de règlement multijuridictionnelle vise à faciliter la coordination des audiences d'approbation de règlement lorsqu'un règlement commun est proposé pour les recours collectifs multijuridictionnels.

**Definitions**

1 In this Protocol:

- (a) **“Action”** means a putative, certified or authorized class action in which the subject matter is the same as the subject matter of a putative, certified, authorized class action in two or more provinces.
- (b) **“Court”** means a court in a jurisdiction in which an Action is filed.
- (c) **“Counsel”** includes parties that are self-represented.

**Application**

2 Where a court intends to apply this Protocol (in whole or in part), counsel shall be given notice and an opportunity to be heard on the sections of this Protocol to be employed. Where this Protocol is adopted in whole or in part following such a hearing, an order shall issue to that effect.

**Notice Obligations**

3 All parties to an Action shall advise the Court of any other Action of which they are aware.

4 Plaintiff Counsel shall post the pleadings in their Action on the Canadian Bar Association Class Action Database at <http://www.cba.org/CBA>.

5 A Notification List shall be created by counsel listing the names of all Counsel, with appropriate contact information, in all Actions and this list shall be provided to the Court.

6 All motions made by a party shall be on notice to the Notification List.

**Definitions**

1 Dans le présent protocole:

- a) **«recours»** s'entend d'un recours collectif éventuel au autorisé ou certifié ayant le même objet qu'un recours collectif éventuel ou autorisé au certifié qui a été introduit dans d'autres provinces;
- b) **«tribunal»** s'entend d'un tribunal dans une province où un recours est intenté ;
- c) **«avocats»** englobe les parties se représentant elles-mêmes.

**Application**

2 Lorsqu'un tribunal entend appliquer le présent protocole (en tout ou en partie), les avocats en seront informés et auront la possibilité s'exprimer au sujet des dispositions du protocole qui seront utilisées. Lorsque le présent protocole est adopté en tout ou en partie à la suite d'une telle audience, une ordonnance sera rendue en ce sens.

**Obligations d'information**

3 Toutes les parties à un recours informeront le tribunal de tout autre recours dont elles ont connaissance.

4 L'avocat des demandeurs inscrira les actes de procédure de leur recours dans la Base de données canadienne sur les recours collectifs de l'Association du Barreau canadien, à [www.cba.org/recourscollectifs](http://www.cba.org/recourscollectifs).

5 L'avocat dressera une liste des avocats impliqués indiquant les noms et les coordonnées de tous les avocats dans tous les recours, et remettra cette liste au tribunal.

6 Toutes les requêtes présentées par une partie feront l'objet d'un avis diffusé aux personnes figurant sur la liste des avocats impliqués.

**Settlement Approval**

7 Where there is a joint settlement of the Actions, the parties shall proceed by way of a motion for Multijurisdictional Class Settlement Approval served on all parties and filed in all Courts.

8 A motion for Multijurisdictional Class Settlement Approval shall include a proposed notice to class members suitable for use in all jurisdictions. The notice should include the following information, subject to the applicable legislation:

- (a) a summary of the case and an explanation of how to obtain a copy of the originating process (e.g., statement of claim or motion for authorization);
- (b) a definition of the class and any sub-classes;
- (c) a list of the class actions which are subject of the Motion for Multijurisdictional Class Settlement Approval, and a list of any other Actions of which counsel or any party is aware;
- (d) information on the essential terms of the proposed settlement, including:
  - (i) the nature and amount of relief;
  - (ii) the nature and bases of any non-monetary benefits;
  - (iii) the procedures for allocating and distributing settlement funds;
  - (iv) the method for filing a proof of claim;
  - (v) the locations where class members can obtain a copy of or examine the settlement agreement and other relevant materials;

**Approbation de règlement**

7 Lorsqu'il y a règlement commun des recours, les parties présenteront une demande d'approbation de règlement multijuridictionnelle signifiée à toutes les parties et déposée auprès de tous les tribunaux.

8 Une demande d'approbation règlement multijuridictionnelle comprendra un projet d'avis aux membres du groupe pouvant être utilisé dans toutes les provinces. L'avis devrait comprendre les éléments suivants, sous réserve des dispositions législatives applicables :

- a) un résumé de l'affaire et une explication de la façon d'obtenir copie de l'acte de procédure introductif d'instance [p. ex., déclaration ou requête en autorisation);
- b) une définition du groupe et de tout sous groupe;
- c) une liste des recours collectifs qui sont visés par la demande d'approbation de règlement multijuridictionnelle ainsi que, le cas échéant, une liste des autres recours connexes en instance dont l'avocat ou toute autre partie a connaissance;
- d) des précisions sur les modalités essentielles du règlement proposé, y compris:
  - (i) la nature et le montant de la réparation;
  - (ii) la nature et le fondement de toute réparation non monétaire;
  - (iii) les modalités d'affectation et de versement des fonds du règlement;
  - (iv) les modalités de présentation d'une preuve de réclamation;



- (vi) information, if practical, that may enable class members to calculate or estimate their individual recoveries;
  - (e) the options open to class members and the implications of each option (including, if applicable, opting out, participating, objecting, submitting a claim or doing nothing), along with the deadlines for taking any action;
  - (f) a summary of the maximum amounts sought by class counsel for fees, including disbursements, reimbursement of expenses and applicable taxes;
  - (g) the time and place of the hearing to consider approval of the settlement and the methods by which class members may object to the settlement, or the fees sought by class counsel;
  - (h) the method for objecting to (or, if permitted, for opting out of) the settlement, including a statement that the class members have the right to object to the settlement, and/or application for fees and/or the distribution of any remaining balance of funds;
  - (i) a statement that the settlement will bind all class members who have opted out (if it is an opt-out class action); and
  - (j) the address and phone number of class counsel and the appointed Claims Administrator and an explanation of how to make inquiries of either.
- (v) les lieux où les membres du groupe peuvent obtenir copie de l'entente de règlement et tout autre document pertinent ou les examiner;
  - (vi) des indications, si possible, qui permettraient aux membres du groupe d'estimer leur groupe de calculer ou d'estimer leurs indemnités individuelles;
  - e) les options s'offrant aux membres du groupe ainsi que les implications de chaque option (y compris, selon le cas, le retrait, la participation, l'opposition, la présentation d'une réclamation ou l'inaction) et les dates limites pertinentes;
  - f) un résumé des montants maximaux demandés par les avocats du groupe au titre d'honoraires, y compris les débours, le remboursement des frais et les taxes applicables;
  - g) le moment et le lieu de l'audience sur l'approbation du règlement et les modalités selon lesquelles des membres du groupe peuvent s'y opposer au règlement ou aux honoraires demandés par l'avocat du groupe;
  - h) les autres modalités d'opposition au règlement (ou, le cas échéant, de retrait), y compris un énoncé indiquant que les membres du groupe ont le droit de s'opposer au règlement, à la demande d'honoraires ou à la distribution de tout solde des fonds;
  - i) un énoncé indiquant que le règlement liera tous les membres du groupe sauf ceux qui ont choisi de ne pas participer (s'il s'agit d'un recours collectif avec option de retrait);
  - j) l'adresse et le numéro de téléphone de l'avocat du groupe et de l'administrateur des réclamations désigné, ainsi qu'une explication de la façon d'adresser des questions à un ou l'autre.

**9** Once all materials relating to a motion for Multijurisdictional Class Settlement Approval have been filed in all jurisdictions where Multijurisdictional Class Settlement Approval is sought, the Courts may communicate for the purpose of determining:

- (a) the scheduling of approval hearings, including any fairness hearings;
- (b) whether the Courts agree that a uniform Multijurisdictional Class Settlement Approval Order should be issued or if different orders are required to comply with provincial legislation;
- (c) the content of a Multijurisdictional Class Settlement Approval Order(s);
- (d) the manner in which the Multijurisdictional Class Settlement Approval Order(s) is to be administered;
- (e) the manner and form in which notice to class members will be provided; or
- (f) any other issue relevant to the Motion for Multijurisdictional Class Settlement Approval.

**10** Where it is determined by all courts that the Settlement Approval hearing or the fairness hearing will be held jointly, such hearings shall be conducted in a manner that will permit all parties and all judges to participate in the hearings. This may be done by video link or other means.

**11** A Multijurisdictional Class Settlement Approval Order may be issued in any form and in any manner which, in the opinion all Courts, is just and expeditious. If necessary, each Court may issue a separate Order to reflect the applicable legislation in a given province.

**9** Une fois que tous les documents ayant trait à une demande d'approbation de règlement multijuridictionnelle ont été déposés dans toutes les provinces où l'approbation est demandée, les tribunaux peuvent communiquer en vue de déterminer:

- a) les dates des audiences sur l'approbation, y compris toute audience en matière d'équité;
- b) la mesure dans laquelle les tribunaux s'entendent pour qu'une ordonnance d'approbation de règlement multijuridictionnelle uniforme soit rendue ou si des ordonnances différentes sont nécessaires pour satisfaire à la loi provinciale;
- c) la teneur de toute ordonnance d'approbation de règlement multijuridictionnelle;
- d) la façon dont la ou les ordonnances d'approbation de règlement multijuridictionnelles doivent être administrée;
- e) la façon dont un avis sera communiqué aux membres du groupe et la forme de cet avis;
- f) toute autre question pertinente à la demande d'ordonnance d'approbation de règlement multijuridictionnelle.

**10** Si tous les tribunaux s'entendent pour que l'audience sur l'approbation du règlement ou l'audience en matière d'équité soit organisée conjointement, l'audience sera menée de sorte que toutes les parties et tous les juges puissent y participer. La participation peut se faire par vidéoconférence ou par d'autres moyens.

**11** Une ordonnance d'approbation de règlement multijuridictionnelle peut être rendue sous la forme et de la façon qui sont, de l'avis de tous les tribunaux, justes et expéditives. Au besoin, chaque tribunal peut rendre une ordonnance distincte pour tenir compte de la loi applicable dans une province donnée.

**12** Notice of the Settlement Approval Order(s) should contain the information provided in paragraph 8, subject to the applicable legislation.

**13** A Multijurisdictional Class Settlement Approval Order may designate a Judge of any Court as Designated Settlement Administration Judge.

**14** A Designated Settlement Administration Judge may, if the Order so provides, determine any dispute arising from the Settlement Agreement, regardless of the jurisdiction in which that dispute arises, and may make such orders as are just and expedient for the orderly administration of the Settlement Agreement. However, each Court will retain jurisdiction to deal with issues arising from their respective Orders.

### **Schedule A to the Judicial Protocol**

#### **Statutory Provisions Permitting the Court to Determine the Conduct of Class Actions**

##### **Alberta**

The Court may at any time make any order it considers appropriate respecting the conduct of a class proceeding to ensure the fair and expeditious determination of the proceeding and, for that purpose, may impose on one or more of the parties any terms or conditions that the Court considers appropriate.

Class Proceedings Act, S.A. 2003, c.C-16.5, s.13(1)

**12** L'avis concernant toute entente d'approbation de règlement devrait contenir l'information prévue au paragraphe 8 sous réserve des dispositions législatives applicables.

**13** Une ordonnance d'approbation de règlement multijuridictionnelle peut désigner un juge d'un des tribunaux saisi comme juge responsable de l'administration du règlement.

**14** Si l'ordonnance le prévaut, le juge désigné comme responsable de l'administration du règlement peut régler tout différend au sujet de l'entente de règlement, peu importe dans quelle province il survient. Il peut aussi rendre les ordonnances justes et expéditives nécessaires à la bonne administration de l'entente de règlement. Cependant chaque tribunal reste compétent face aux questions découlant de leurs ordonnances respectives.

#### **Annexe A du présent protocole judiciaire**

#### **Dispositions législatives permettant au tribunal de déterminer le déroulement d'un recours collectif**

##### **Alberta**

[TRADUCTION] Le tribunal peut en tout temps rendre l'ordonnance qu'il estime indiquée concernant le déroulement d'un recours collectif afin de parvenir à une décision juste et rapide; à cette fin, il peut imposer à une ou à plusieurs parties les conditions qu'il estime indiquées.

Class Proceedings Act, S.A. 2003, c.C-16.5, para.13(1)

**British Columbia**

The court may at any time make any order it considers appropriate respecting the conduct of a class proceeding to ensure its fair and expeditious determination and, for that purpose, may impose on one or more of the parties the terms it considers appropriate.

Class Proceedings Act, R.S.B.C. 1996, c.50, s.12

**Manitoba**

The court may at any time make any order that it considers appropriate respecting the conduct of a class proceeding to ensure its fair and expeditious determination and, for that purpose, may impose on one or more of the parties the terms it considers appropriate.

Class Proceedings Act, C.C.S.M. c.C130 s.12

**New Brunswick**

The court may at any time make any order it considers appropriate respecting the conduct of a class proceeding to ensure its fair and expeditious determination and, for that purpose, may impose on one or more of the parties the terms or conditions the court considers appropriate.

Class Proceedings Act, S.N.B. 2006, c.C-5.15, s.14

**Newfoundland and Labrador**

Notwithstanding section 12, the court may make an order it considers appropriate respecting the conduct of a class action to ensure a fair and expeditious determination and, for that purpose, may impose on one or more of the parties the terms it considers appropriate.

Class Actions Act, S.N.L. 2001, c.C-18.1, s.13

**Colombie-Britannique**

[TRADUCTION] Le tribunal peut en tout temps rendre l'ordonnance qu'il estime indiquée concernant le déroulement d'un recours collectif afin de parvenir à une décision juste et rapide; à cette fin, il peut imposer à une ou à plusieurs parties les conditions qu'il estime indiquées.

Class Proceedings Act, R.S.B.C. 1996, c.50, art.12

**Manitoba**

Le tribunal peut en tout temps rendre toute ordonnance qu'il estime indiquée concernant le déroulement du recours collectif afin de parvenir à une décision juste et rapide; à cette fin, il peut imposer à une ou à plusieurs parties les conditions qu'il estime indiquées.

Loi sur les recours collectifs, CPLM ch.C130, art.12

**Nouveau-Brunswick**

La cour peut en tout temps rendre une ordonnance qu'elle estime appropriée concernant le déroulement du recours collectif afin de parvenir à une décision juste et rapide et, à cette fin, elle peut imposer à une ou à plusieurs parties les modalités ou conditions qu'elle estime appropriées.

Loi sur les recours collectifs, L.N.-B. 2006, ch.C-5.15, art. 14

**Terre-Neuve-et-Labrador**

[TRADUCTION] Nonobstant l'article 12, le tribunal peut rendre l'ordonnance qu'il estime indiquée concernant le déroulement d'un recours collectif afin de parvenir à une décision juste et rapide; à cette fin, il peut imposer à une ou à plusieurs parties les conditions qu'il estime indiquées.

Class Actions Act, S.N.L. 2001, c.C-18.1, art. 13

**Nova Scotia**

The court may at any time make any order it considers appropriate respecting the conduct of a class proceeding to ensure its fair and expeditious determination and, for that purpose, may impose on one or more of the parties the terms or conditions the court considers appropriate.

Class Proceedings Act, S.N.S. 2007, c.28, s.15

**Ontario**

The court, on the motion of a party or class member, may make any order it considers appropriate respecting the conduct of a class proceeding to ensure its fair and expeditious determination and, for the purpose, may impose such terms on the parties as it considers appropriate.

Class Proceedings Act, 1992, S.O. 1992, c.6, s.12

**Quebec**

The court may, at any stage of the proceedings in a class action, prescribe measures designed to hasten their progress and to simplify the proof, if they do not prejudice a party or the members; it may also order the publication of a notice to the members when it considers it necessary for the preservation of their rights.

Code of Civil Procedure, R.S.Q. c.C-25, s.1045

**Saskatchewan**

The court may, at any time, make any order it considers appropriate respecting the conduct of a class action to ensure a fair and expeditious determination and, for that purpose, may impose on one or more of the parties any terms it considers appropriate.

Class Actions Act, S.S. 2001, c.C-12.01, s.14.

**Nouvelle-Ecosse**

[TRADUCTION] Le tribunal peut en tout temps rendre l'ordonnance qu'il estime indiquée concernant le déroulement d'un recours collectif afin de parvenir à une décision juste et rapide; à cette fin, il peut imposer à une ou à plusieurs parties les conditions qu'il estime indiquées.

Class Proceedings Act, S.N.S. 2007, c. 28, art. 15

**Ontario**

Le tribunal saisi d'une motion d'une partie ou d'un membre du groupe peut, afin de parvenir à un règlement juste et expéditif du recours collectif, rendre une ordonnance qu'il estime appropriée concernant le déroulement de celui-ci et imposer aux parties des conditions qu'il estime appropriées.

Lot de 1992 sur les recours collectifs, LO 1992, ch. 6, art. 12

**Quebec**

Le tribunal peut, en tout temps au cours de la procédure relative à un recours collectif, prescrire des mesures susceptibles d'accélérer son déroulement et de simplifier la preuve si elles ne portent pas préjudice à une partie ou aux membres; il peut également ordonner la publication d'un avis aux membres lorsqu'il l'estime nécessaire pour la préservation de leurs droits.

Code de procédure civile, LRQ ch. C-25, art. 1045

**Saskatchewan**

[TRADUCTION] Le tribunal peut en tout temps rendre l'ordonnance qu'il estime indiquée concernant le déroulement d'un recours collectif afin de parvenir à une décision juste et rapide; à cette fin, il peut imposer à une ou à plusieurs parties les conditions qu'il estime indiquées.

Class Actions Act, S.S. 2001, c. C-12.01, art.14

CIVIL PRACTICE DIRECTIVE NO. 4  
TEMPLATE ORDERS FOR USE IN BANKRUPTCY DISCHARGE APPLICATIONS

**REFERENCE: CIV-PD NO. 4**

**Effective:** April 1, 2017

**Revised:** November 1, 2023

Bankruptcy trustees and counsel shall use the template orders attached hereto in all proceedings where the following bankruptcy discharge orders are sought:

- 1 Order for Absolute Discharge (Appendix A);
- 2 Order Refusing Discharge (Appendix B);
- 3 Order of Conditional Discharge (Appendix C);
- 4 Order for Absolute Discharge (Conditions Met) (Appendix D);
- 5 Order of Suspended Discharge (Appendix E); and
- 6 Order Adjourning Application for Discharge Indefinitely (Appendix F).

Any addition, deletion or variation to a template order filed with the Court must be underlined or highlighted in bold letters and brought to the attention of the presiding judge or registrar.

Chief Justice M.D. Popescul,  
Court of King's Bench for Saskatchewan.

New. Gaz. 17 Nov. 2023.

**APPENDIX A**

COURT FILE \_\_\_\_\_

ESTATE NO \_\_\_\_\_

COURT OF KING'S BENCH FOR SASKATCHEWAN IN BANKRUPTCY

IN THE MATTER OF THE BANKRUPTCY OF \_\_\_\_\_

**ORDER FOR ABSOLUTE DISCHARGE**

Order made this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

Before Registrar \_\_\_\_\_ in chambers, the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

On the application of \_\_\_\_\_ (*bankrupt, trustee or creditor; or, lawyer on behalf of bankrupt, trustee or creditor, as the case may be*) and on hearing \_\_\_\_\_ (*bankrupt, trustee or creditor; or, lawyer on behalf of bankrupt, trustee or creditor, as the case may be*) and on reading the report of the trustee as to the bankrupt's conduct and affairs (*and the report of the superintendent, if any, and material filed in support of the application*), all filed;

And whereas no facts mentioned in section 173 of the *Bankruptcy and Insolvency Act*, RSC 1985, c B-3, have been established;

And whereas it has not been established that the bankrupt has been guilty of any misconduct in relation to the bankrupt's property or affairs;

It is ordered that the bankrupt is discharged from bankruptcy.

ISSUED at \_\_\_\_\_, Saskatchewan, this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

Court Seal

\_\_\_\_\_  
Registrar in Bankruptcy

*If an order is issued pursuant to an application without notice, the endorsement required by subrule 10-3(5) (of The King's Bench Rules) must appear here.*

**NOTICE**

*(To be used if the order is issued pursuant to an application without notice.)*

Take notice that, unless the order is consented to by a person affected by the order or unless otherwise authorized by law, every order made without notice to a person affected by the order may be set aside or varied on application to the Court. You should consult your lawyer as to your rights.

**APPENDIX B**

COURT FILE \_\_\_\_\_

ESTATE NO \_\_\_\_\_

COURT OF KING'S BENCH FOR SASKATCHEWAN IN BANKRUPTCY

IN THE MATTER OF THE BANKRUPTCY OF \_\_\_\_\_

**ORDER REFUSING DISCHARGE**

Order made this \_\_\_\_\_ day of \_\_\_\_\_, 2 \_\_\_\_\_.

Before Registrar \_\_\_\_\_ in chambers, the \_\_\_\_\_ day of \_\_\_\_\_, 2 \_\_\_\_\_.

On the application of \_\_\_\_\_ (*bankrupt, trustee or creditor; or, lawyer on behalf of bankrupt, trustee or creditor, as the case may be*) and on hearing \_\_\_\_\_ (*bankrupt, trustee or creditor; or, lawyer on behalf of bankrupt, trustee or creditor, as the case may be*) and on reading the report of the trustee as to the bankrupt's conduct and affairs (*and the report of the superintendent, if any, and material filed in support of the application*), all filed;

And whereas the following fact(s) under section 173 of the *Bankruptcy and Insolvency Act*, RSC 1985, c B-3, have been established:

(*insert applicable description of section 173 fact*);

And whereas it has been established that the bankrupt has conducted himself/herself in the following ways:

(*describe bankrupt's conduct, if applicable*)

It is ordered that the application for the bankrupt's discharge is refused.

ISSUED at \_\_\_\_\_, Saskatchewan, this \_\_\_\_\_ day of \_\_\_\_\_, 2 \_\_\_\_\_.

Court Seal

\_\_\_\_\_  
Registrar in Bankruptcy

*If an order is issued pursuant to an application without notice, the endorsement required by subrule 10-3(5) (of The King's Bench Rules) must appear here.*

**NOTICE**

*(To be used if the order is issued pursuant to an application without notice.)*

Take notice that, unless the order is consented to by a person affected by the order or unless otherwise authorized by law, every order made without notice to a person affected by the order may be set aside or varied on application to the Court. You should consult your lawyer as to your rights.



## APPENDIX C

COURT FILE \_\_\_\_\_

ESTATE NO. \_\_\_\_\_

COURT OF KING'S BENCH FOR SASKATCHEWAN IN BANKRUPTCY

IN THE MATTER OF THE BANKRUPTCY OF \_\_\_\_\_

ORDER OF CONDITIONAL DISCHARGE

Order made this \_\_\_\_\_ day of \_\_\_\_\_, 2 \_\_\_\_.

Before Registrar \_\_\_\_\_ in chambers, the \_\_\_\_\_ day of \_\_\_\_\_, 2 \_\_\_\_.

On the application of \_\_\_\_\_ (*bankrupt, trustee or creditor; or, lawyer on behalf of bankrupt, trustee or creditor, as the case may be*) and on hearing \_\_\_\_\_ (*bankrupt, trustee or creditor; or, lawyer on behalf of bankrupt, trustee or creditor, as the case may be*) and on reading the report of the trustee as to the bankrupt's conduct and affairs (*and the report of the superintendent, if any, and material filed in support of the application*), all filed;

And whereas the following fact(s) under section 173 of the *Bankruptcy and Insolvency Act*, RSC 1985, c B-3, have been established:

(*insert applicable description of section 173 fact*);

And whereas it has been established that the bankrupt has conducted himself/herself in the following ways:

(*describe bankrupt's conduct, if applicable*)

It is ordered that:

1. The bankrupt pays the sum of \$\_\_\_\_\_, to the trustee, by making minimum monthly payments of \$\_\_\_\_\_, starting on \_\_\_\_\_ and continuing on the \_\_\_\_\_ day of every month that follows until fully paid;
2. Second condition (*if applicable*);
3. The bankrupt shall have a right of prepayment (*if applicable*); and
4. The bankrupt's discharge shall be suspended until \_\_\_\_\_ (*if applicable*).

It is further ordered, that when the bankrupt has completed the term of the suspension and has fulfilled the foregoing conditions, the trustee may apply for an order for absolute discharge.

ISSUED at \_\_\_\_\_, Saskatchewan, this \_\_\_\_\_ day of \_\_\_\_\_, 2 \_\_\_\_.

Court Seal

\_\_\_\_\_  
Registrar in Bankruptcy

*If an order is issued pursuant to an application without notice, the endorsement required by subrule 10-3(5) (of The King's Bench Rules) must appear here.*

**NOTICE**

*(To be used if the order is issued pursuant to an application without notice.)*

Take notice that, unless the order is consented to by a person affected by the order or unless otherwise authorized by law, every order made without notice to a person affected by the order may be set aside or varied on application to the Court. You should consult your lawyer as to your rights.

## APPENDIX D

COURT FILE \_\_\_\_\_

ESTATE NO. \_\_\_\_\_

COURT OF KING'S BENCH FOR SASKATCHEWAN IN BANKRUPTCY

IN THE MATTER OF THE BANKRUPTCY OF \_\_\_\_\_

ORDER FOR ABSOLUTE DISCHARGE (CONDITIONS MET)

Order made this \_\_\_\_\_ day of \_\_\_\_\_, 2 \_\_\_\_.

Before Registrar \_\_\_\_\_ in chambers, the \_\_\_\_\_ day of \_\_\_\_\_, 2 \_\_\_\_.

On the application of \_\_\_\_\_ (*bankrupt, trustee or creditor; or, lawyer on behalf of bankrupt, trustee or creditor, as the case may be*) and on hearing \_\_\_\_\_ (*bankrupt, trustee or creditor; or, lawyer on behalf of bankrupt, trustee or creditor, as the case may be*) and on reading the report of the trustee as to the bankrupt's conduct and affairs (*and the report of the superintendent, if any*) all filed;

And whereas the Registrar is satisfied the bankrupt has complied with the conditions set in the order of conditional discharge dated \_\_\_\_\_, 2 \_\_\_\_;

It is ordered that the bankrupt is discharged from bankruptcy.

ISSUED at \_\_\_\_\_, Saskatchewan, this \_\_\_\_\_ day of \_\_\_\_\_, 2 \_\_\_\_.

Court Seal

\_\_\_\_\_  
Registrar in Bankruptcy

*If an order is issued pursuant to an application without notice, the endorsement required by subrule 10-3(5) (of The King's Bench Rules) must appear here.*

**NOTICE**

*(To be used if the order is issued pursuant to an application without notice.)*

Take notice that, unless the order is consented to by a person affected by the order or unless otherwise authorized by law, every order made without notice to a person affected by the order may be set aside or varied on application to the Court. You should consult your lawyer as to your rights.

**APPENDIX E**

COURT FILE \_\_\_\_\_

ESTATE NO. \_\_\_\_\_

COURT OF KING'S BENCH FOR SASKATCHEWAN IN BANKRUPTCY

IN THE MATTER OF THE BANKRUPTCY OF \_\_\_\_\_

**ORDER OF SUSPENDED DISCHARGE**

Order made this \_\_\_\_\_ day of \_\_\_\_\_, 2 \_\_\_\_.

Before Registrar \_\_\_\_\_ in chambers, the \_\_\_\_\_ day of \_\_\_\_\_, 2 \_\_\_\_.

On the application of \_\_\_\_\_ (*bankrupt, trustee or creditor; or, lawyer on behalf of bankrupt, trustee or creditor, as the case may be*) and on hearing \_\_\_\_\_ (*bankrupt, trustee or creditor; or, lawyer on behalf of bankrupt, trustee or creditor, as the case may be*) and on reading the report of the trustee as to the bankrupt's conduct and affairs (*and the report of the superintendent, if any*);

And whereas the following fact(s) under section 173 of the *Bankruptcy and Insolvency Act*, RSC 1985, c B-3, have been established:

(*insert applicable description of section 173 fact*)

And whereas it has been established that the bankrupt has conducted himself/herself in the following ways:

(*describe bankrupt's conduct, if applicable*)

It is ordered that the bankrupt's discharge shall be suspended until \_\_\_\_\_, 2 \_\_\_\_.

Court Seal

\_\_\_\_\_  
Registrar in Bankruptcy

*If an order is issued pursuant to an application without notice, the endorsement required by subrule 10-3(5) (of The King's Bench Rules) must appear here.*

**NOTICE**

(*To be used if the order is issued pursuant to an application without notice.*)

Take notice that, unless the order is consented to by a person affected by the order or unless otherwise authorized by law, every order made without notice to a person affected by the order may be set aside or varied on application to the Court. You should consult your lawyer as to your rights.

**APPENDIX F**

COURT FILE \_\_\_\_\_

ESTATE NO. \_\_\_\_\_

COURT OF KING'S BENCH FOR SASKATCHEWAN IN BANKRUPTCY

IN THE MATTER OF THE BANKRUPTCY OF \_\_\_\_\_

**ORDER ADJOURNING APPLICATION FOR DISCHARGE INDEFINITELY**

Order made this \_\_\_\_\_ day of \_\_\_\_\_, 2 \_\_\_\_\_.

Before Registrar \_\_\_\_\_ in chambers, the \_\_\_\_\_ day of \_\_\_\_\_, 2 \_\_\_\_\_.

On the application of \_\_\_\_\_ (*bankrupt, trustee or creditor; or, lawyer on behalf of bankrupt, trustee or creditor, as the case may be*) and on hearing \_\_\_\_\_ (*bankrupt, trustee or creditor; or, lawyer on behalf of bankrupt, trustee or creditor, as the case may be*) and on reading the report of the trustee as to the bankrupt's conduct and affairs (*and the report of the superintendent, if any, and material filed in support of the application*), all filed;

And whereas the following fact(s) under section 173 of the *Bankruptcy and Insolvency Act*, RSC 1985, c B-3, have been established:

(*insert applicable description of section 173 fact*)

And whereas it has been established that the bankrupt has conducted himself/herself in the following ways:

(*describe bankrupt's conduct, if applicable*)

It is ordered that the application for the bankrupt's discharge is adjourned indefinitely, to be brought back before the court on 30 days' notice to the trustee and the Office of the Superintendent of Bankruptcy and any objecting creditor.

ISSUED at \_\_\_\_\_, Saskatchewan, this \_\_\_\_\_ day of \_\_\_\_\_, 2 \_\_\_\_\_.

Court Seal

\_\_\_\_\_  
Registrar in Bankruptcy

*If an order is issued pursuant to an application without notice, the endorsement required by subrule 10-3(5) (of The King's Bench Rules) must appear here.*

**NOTICE**

(*To be used if the order is issued pursuant to an application without notice.*)

Take notice that, unless the order is consented to by a person affected by the order or unless otherwise authorized by law, every order made without notice to a person affected by the order may be set aside or varied on application to the Court. You should consult your lawyer as to your rights.

CIVIL PRACTICE DIRECTIVE NO. 5  
APPLICATIONS UNDER *THE SASKATCHEWAN HUMAN RIGHTS CODE, 2018*

**REFERENCE: CIV-PD NO. 5**

**Effective:** September 1, 2017

**Revised:** October 1, 2019; November 1, 2023

**1** This practice directive sets out the procedures to be applied when the Court receives an application from the Chief Commissioner [Commissioner] of the Saskatchewan Human Rights Commission [Commission] for a hearing of a human rights complaint pursuant to section 34 of *The Saskatchewan Human Rights Code, 2018*, SS 2018, c S 24.2 [Code].

**2** To apply to the Court for a hearing pursuant to section 34 of the *Code*, the Commissioner shall:

- (a) Complete an application in the attached Form A. The form shall:
  - (i) indicate whether any of the issues contained in the formal complaint have since been resolved;
  - (ii) identify what the Commissioner understands the respondent(s)' defence(s) to be; and
  - (iii) include contact information for the complainant and respondent(s) that includes a mailing address and telephone number(s).
- (b) Personally serve the respondent(s) with a copy of the completed application. The respondent(s) include all parties to the action other than the Commission and the complainant.
- (c) File with the Court, at the judicial centre nearest to the place where the subject matter of the complaint arose, the following:
  - (i) the completed application in the attached Form A;
  - (ii) proof of personal service of the application upon each respondent(s) in accordance with *The King's Bench Rules*;
  - (iii) a copy of relevant documents from the Commission's file in a sealed envelope (Commission's sealed documents);
  - (iv) draft Notice to Appear for a Pre-Hearing Conference in the attached Form B; and
  - (v) the local registrar's fees.

**Pre-Hearing Conference**

**3** Except where this practice directive provides otherwise, *The King's Bench Rules* respecting the conduct and confidentiality of pre-trial conferences apply to the pre-hearing conference referred to in subsection 35(2) of the *Code* and in this practice directive.

**Chief Justice to Determine if Pre-Hearing Conference to be held**

**4** Upon receipt of the application and related documents from the Commissioner, the local registrar shall transmit a copy of the application to the Chief Justice or his/her designate to determine whether a pre-hearing conference should be scheduled, and if so, to designate a Judge to conduct the pre-hearing conference.

**Scheduling Pre-Hearing Conference**

5 Should the Chief Justice designate a Judge to conduct a pre-hearing conference, the local registrar will immediately contact the designated Judge to obtain dates when the Judge would be available for the pre-hearing conference. The local registrar will then promptly contact the parties by telephone or otherwise as the local registrar may determine, to ascertain their availability for the dates the Judge has available.

6 Once a date has been selected, the local registrar will complete the Notice to Appear for a Pre-Hearing Conference in the attached Form B and mail a copy of the Notice to Appear by ordinary mail to the Commission, the complainant and respondent(s) (or their counsel) at least 30 days before the date selected for the conference, unless each party consents to a shorter notice period.

7 If for any reason a party requests an adjournment from the conference date prior to the day of the conference, the assigned conference Judge shall be consulted, and a telephone conference call shall be convened with the parties for a ruling on the request, and if appropriate, the setting of a new conference date.

8 If the Judge designated to conduct the pre-hearing conference is not available to conduct the conference on the dates the parties are available within 90 days from the date of the request for a hearing, the designated Judge shall consult the Chief Justice as to whether another Judge should be designated.

**Disclosure and Confidentiality of Commissioner's file**

9 Upon receipt of the Notice to Appear for a Pre-Hearing Conference, the Commissioner shall disclose to the complainant and respondent(s) the contents of the Commission's sealed documents filed with the Court.

10 The Commission's sealed documents are filed with the Court for the sole purpose of determining whether to conduct a pre-hearing conference and for use at the pre hearing conference.

11 Should the Chief Justice determine that a pre-hearing conference is to be held, the Chief Justice will direct that the Commission's sealed documents be re-sealed and remain on the file for use by the pre-hearing Judge. If no pre-hearing conference is to be held the Commission's sealed documents will be re-sealed and returned to the Commission.

12 At the conclusion of the pre-hearing conference, the local registrar shall re-seal the Commission's sealed documents and return them to the Commissioner.

**Pre-Hearing Conference**

13 The Chief Justice or the Judge designated to conduct the pre-hearing conference, may direct the Commissioner or any of the parties to file additional information or briefs of law, for use at the pre-hearing conference.

14 The goals of a pre-hearing conference are equivalent to a pre-trial conference under Rule 4-12(3), as follows:

- (a) to allow the parties to participate in the problem-solving process;
- (b) to allow the parties to receive the view of a Judge as to the issues, both facts and law, in dispute, as far as the material before the pre-hearing Judge allows;

- (c) to allow settlement options to be presented that would not necessarily be available at hearing;
- (d) to seek settlement of the dispute so as to improve the efficiency of the court system and to save time and costs for all parties and witnesses.

**15** The Judge designated to conduct the pre-hearing conference shall attempt to settle the complaint. If settlement of the complaint is not possible, the Judge shall address the issues set out under Rule 4-12(4) in readying the complaint for hearing, as follows:

- (a) the identification and simplification of the issues;
- (b) the possibility of obtaining admissions that will facilitate the hearing;
- (c) whether all steps have been taken in preparation for the hearing;
- (d) the possibility of settlement of specific issues;
- (e) the remedy, including quantum of damages;
- (f) any other matters that may aid in the disposition of the complaint;
- (g) the time required for hearing; and
- (h) the date of the hearing.

**16** The Judge conducting the pre-hearing conference should use the civil pre-trial form to report on the management matters covered in the conference, and any agreements reached. In the event the matter settles at the pre-hearing conference, the fact of the settlement can be noted on the flyleaf of the file as is done in a civil case.

#### **Hearing**

**17** The matter will be set for hearing at the conclusion of the pre-hearing conference. If the Chief Justice declines to order a pre-hearing conference, the local registrar will consult the parties on available dates and set the hearing on the direction of the Chief Justice. The local registrar may notify the parties of the hearing date by ordinary mail.

Chief Justice M.D. Popescul,  
Court of King's Bench for Saskatchewan.



**FORM A**

COURT OF KING'S BENCH FOR SASKATCHEWAN

COURT FILE NUMBER: \_\_\_\_\_

JUDICIAL CENTRE OF: \_\_\_\_\_

APPLICANT: Chief Commissioner, Saskatchewan Human Rights Commission

COMPLAINANT: \_\_\_\_\_

RESPONDENT: \_\_\_\_\_

**APPLICATION BY THE CHIEF COMMISSIONER OF THE SASKATCHEWAN  
HUMAN RIGHTS COMMISSION FOR A HEARING PURSUANT TO SECTION 34  
OF THE SASKATCHEWAN HUMAN RIGHTS CODE, 2018**

**1** I, \_\_\_\_\_, Chief Commissioner of the Saskatchewan Human Rights Commission, apply to the Court for a hearing respecting the complaint of \_\_\_\_\_ against \_\_\_\_\_.  
*(name of complainant)* *(name of respondent)*

**2** The particulars of the formal complaint are attached hereto as Appendix A.

**3** A copy of the formal complaint is attached hereto as Appendix B.

**4** A copy of the reply (without appendices) filed by the Respondent is attached hereto as Appendix C.

**5** Proof of service of this application upon the Respondent(s) is attached hereto as Appendix D. *(Add additional exhibit letters if required.)*

**6** Since filing the complaint, the following issues have been resolved:

\_\_\_\_\_

**7** The Commission understands the defence to be:

(a)

(b)

(c)

**8** A copy of relevant documents from the Commission's investigation file is included in a sealed envelope with this application.

**9** The remedy sought is: (include relevant sections and particulars)

☐ (a) cease contravention – s. 39(1)(a)

☐ (b) provide right denied by contravention – s. 39(1)(b)

☐ (c) compensation for wages, benefits and expenses – s. 31(1)(c)

☐ (d) compensation for additional cost of alternate services – s. 39(1)(d)

☐ (e) measures to ensure accessibility – s. 39(1)(e)

☐ (f) compensation for injury to dignity – s. 40(a) or (b)

☐ (g) costs (note statutory limits).

**10** The particulars of each remedy sought are as follows:

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DATED at the City of \_\_\_\_\_, in the Province of Saskatchewan, this \_\_\_\_\_  
day of \_\_\_\_\_, 20 \_\_\_\_\_.

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CHIEF COMMISSIONER  
Saskatchewan Human Rights Commission

**NOTICE TO RESPONDENT**

Before setting the matter down for a hearing, the Chief Justice of the Court of King's Bench may first order that the parties participate in a pre-hearing conference before a Judge of the Court. The Local Registrar at the above noted judicial centre will contact you by phone or otherwise to determine when you are available to attend a pre-hearing conference (if ordered) or the hearing, as the case may be. You can expect to be contacted within 60 days from the date of this application. Thereafter, notice of the pre-hearing conference date or the hearing date will be sent to you by ordinary mail at the address provided for each party at the bottom of this form. The Chief Commissioner shall contact you before the pre-hearing conference to disclose relevant documents from their file that may be used at the pre-hearing conference. **You must notify the Local Registrar immediately should you have any change in your contact information from what is set out below.**

**PARTIES CONTACT INFORMATION:**

The contact information for the Saskatchewan Human Rights Commission is:

Saskatchewan Human Rights Commission  
816, 122-3rd Ave. N,  
SASKATOON SK S7K 2H6  
Phone number: (306) 933-7863  
Lawyer in charge of file: \_\_\_\_\_

The contact information for the Complainant, \_\_\_\_\_, is:

Mailing address: \_\_\_\_\_  
\_\_\_\_\_

Phone number(s): \_\_\_\_\_ (home)  
\_\_\_\_\_ (work)  
\_\_\_\_\_ (cell)

Lawyer in charge of file (if applicable): \_\_\_\_\_

The contact information for the Respondent, \_\_\_\_\_, is:

Mailing address: \_\_\_\_\_  
\_\_\_\_\_

Phone number(s): \_\_\_\_\_ (home)  
\_\_\_\_\_ (work)  
\_\_\_\_\_ (cell)

Lawyer in charge of file (if applicable): \_\_\_\_\_

(Add contact information for each additional party)

**FORM B**

COURT OF KING'S BENCH FOR SASKATCHEWAN

COURT FILE NUMBER: \_\_\_\_\_

JUDICIAL CENTRE OF: \_\_\_\_\_

APPLICANT: Chief Commissioner, Saskatchewan Human Rights Commission

COMPLAINANT: \_\_\_\_\_

RESPONDENT: \_\_\_\_\_

**NOTICE TO APPEAR FOR A PRE-HEARING CONFERENCE****TO:** \_\_\_\_\_  
(Name of Respondent)\_\_\_\_\_  
(Name of Complainant)**And To:** The Saskatchewan Human Rights Commission**YOU ARE REQUIRED TO ATTEND** a pre-hearing conference before a Judge of the Court of King's Bench at the following time and place:

Location:

Date:

Time:

in connection with the request for a Human Rights hearing earlier served upon you by the Chief Commissioner of the Saskatchewan Human Rights Commission.

The purpose of the pre-hearing conference is:

- (i) to explore, what possibilities for settlement, if any, the parties are willing to consider prior to a hearing;
- (ii) to ensure that all the parties have received proper disclosure;
- (iii) to identify the issues that will be the subject of the hearing;
- (iv) to obtain from the parties the number of witnesses proposed to be called at the hearing;
- (v) to estimate the amount of time the hearing will take; and
- (vi) to answer any procedural questions the parties may have.

Should the matter not be resolved at the pre-hearing conference, a hearing date will be set at the pre-hearing conference. The Judge who conducts the pre-hearing conference will not be the Judge who hears the matter.

ISSUED at the City of \_\_\_\_\_, in the Province of Saskatchewan, this \_\_\_\_\_  
day of \_\_\_\_\_, 20 \_\_\_\_\_.\_\_\_\_\_  
Local Registrar

CIVIL PRACTICE PRACTICE DIRECTIVE NO. 6  
CHAMBERS APPEARANCE MEMO

**Effective:** September 1, 2022

**Revised:** June 1, 2023; January 1, 2024

REFERENCE: CIV-PD NO. 6

- 1** Subject to paragraph 5, each party appearing on an application in civil chambers must complete, serve and file with the Court, a Chambers Appearance Memo [Memo] in the form attached to this practice directive as Appendix A.
- 2** To assist counsel, self-representing litigants and the Court, the Memo shall include substantive information concerning the pending application(s) before the Court. This should include a description of the position that will be advanced on the hearing date respecting readiness to proceed (i.e., seeking an adjournment, seeking leave to file further materials, opposing an adjournment, etc.), as well as a brief statement on the position being advanced respecting the relief sought in the application(s) before the Court.
- 3** If an application is adjourned, each party shall complete, serve and file an updated Memo describing any changes since the filing of the last Memo or confirming that nothing has changed in the position being advanced as reflected in the last Memo.
- 4** The Memo, or any updated Memo, shall be filed and a copy provided to the other party(s) at least two (2) days prior to the scheduled Chambers date.
- 5** This practice directive does not apply to:
  - a) any application made by Appearance Day Notice;
  - b) any Application without Notice; or
  - c) any proceeding dealt with under Part 10, Division 5 of *The King's Bench Rules* and any ancillary sale of land ordered under Part 10, Division 6 of *The King's Bench Rules*, unless there has been a defence to the action served and filed.

Chief Justice M.D. Popescul,  
Court of King's Bench for Saskatchewan.

New. Gaz. 9 Jne. 2023; Rev. Gaz. 5 Jan. 2024.

**APPENDIX A**

COURT FILE NUMBER \_\_\_\_\_

COURT OF KING'S BENCH FOR SASKATCHEWAN

JUDICIAL CENTRE \_\_\_\_\_

APPLICANT(S) \_\_\_\_\_

RESPONDENT(S) \_\_\_\_\_

**CIVIL CHAMBERS APPEARANCE MEMO**for Chambers on \_\_\_\_\_  
(Chambers date)

## 1. Participants:

a. This Memo is filed on behalf of \_\_\_\_\_  
\_\_\_\_\_

b. The other party/parties and counsel are:

i. \_\_\_\_\_

ii. \_\_\_\_\_

iii. \_\_\_\_\_

2. The (*applicant/respondent*) applies for the relief set forth in the application dated

\_\_\_\_\_ and the draft order filed on \_\_\_\_\_

3. A description of the position that will be advanced on the hearing date respecting readiness to proceed is: (*identify whether you are seeking an adjournment, seeking leave to file further materials, opposing an adjournment, etc.*) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_4. A concise summary of the legal aspects of the substantive position of the party filing this Memo is \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## 5. The following relief is consented to/unopposed:

(1) \_\_\_\_\_  
(*describe consented to relief*)(2) \_\_\_\_\_  
(*describe consented to relief*)

## 6. Materials filed and served:

- a. To be completed by the applicant: the applicant has served and filed the following affidavits/other material being relied upon in support of the relief sought:

| Describe Document | Date Served | Date Filed |
|-------------------|-------------|------------|
|                   |             |            |
|                   |             |            |
|                   |             |            |
|                   |             |            |

- b. To be completed by the respondent/third party: the respondent/third party has served and filed the following affidavits/other material being relied upon in support of the relief sought:

| Describe Document | Date Served | Date Filed |
|-------------------|-------------|------------|
|                   |             |            |
|                   |             |            |
|                   |             |            |
|                   |             |            |

## 7. Other proceedings and applications:

- a. The following is a summary of other applications and matters pending in this action:

## i. Other applications pending:

☐ none

☐ returnable on \_\_\_\_\_

☐ reserved on \_\_\_\_\_ by Justice \_\_\_\_\_

ii. Pre-trial: ☐ Not Scheduled ☐ Scheduled for: \_\_\_\_\_

iii. Trial: ☐ Not Scheduled ☐ Scheduled for: \_\_\_\_\_

- b. The following is a summary of any other relevant or related proceedings:

\_\_\_\_\_  
 \_\_\_\_\_

8. This is the:

☐ first Memo filed respecting this application.

*OR*

☐ updated Memo filed by the (*applicant/respondent*) in respect of this application, and:

☐ The changes in circumstances and/or position being advanced since the filing of the last Memo are:

\_\_\_\_\_  
(*describe changes in point form*)

*OR*

☐ There is no change in circumstances and/or position being advanced since the last Memo was filed.

DATED at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
(*signature of party's lawyer or party, if self-represented*)

\_\_\_\_\_  
(*signature of party's lawyer or party, if self-represented*)

#### CONTACT INFORMATION AND ADDRESS FOR SERVICE

Name of party or party's lawyer: \_\_\_\_\_

Address: \_\_\_\_\_

(*set out the street address*)

Telephone number: \_\_\_\_\_

Fax number (*if any*): \_\_\_\_\_

E-mail address (*if any*): \_\_\_\_\_



FAMILY PRACTICE DIRECTIVE NO. 1  
FAMILY PRE-TRIAL CONFERENCES

**REFERENCE: FAM-PD NO. 1**

Former reference: Practice Directive No. 5

**Effective:** May 1, 2009

**Revised:** July 1, 2013; December 1, 2018; February 1, 2019; March 1, 2022; November 1, 2023

**1** This practice directive supplements but does not alter or replace the requirements of *The King's Bench Rules* including subdivision 2 of Division 5 and Rule 15-56 of Part 15.

**2** The pre-trial brief that parties in a family law proceeding are required to serve and file pursuant to Rule 15-63, shall be in Form A attached to this practice directive and shall include the following particulars:

- (a) **Part 1 – Summary of Facts:** A summary of relevant facts including:
  - (i) the names and birth dates of the parties and any children of the relationship;
  - (ii) the date the parties commenced cohabitation and/or were married;
  - (iii) the date of separation;
  - (iv) the date the petition was issued; and
  - (v) the dates and details in point form of any interim court orders or agreements of the parties.
- (b) **Part 2 – Facts in Detail:** A detailed discussion of the relevant facts including:
  - (i) where the parties resided, the respective roles adopted by the parties during the relationship, employment, training and educational background of the parties and parenting responsibilities towards any children of the relationship;
  - (ii) information regarding the condition, means, needs and circumstances of the parties and any anticipated changes therein;
  - (iii) having regard for the best interest factors identified in the relevant legislation, information regarding the condition, means, needs and circumstances of any children of the relationship and any anticipated changes therein;
  - (iv) information regarding family property exemptions claimed, any change in the value of family property that is relevant to the matter, the position taken regarding the appropriate valuation date of family property and the basis for the value attributed where same is not agreed to; and
  - (v) information regarding the most recent settlement offers and counter offers that have been exchanged between the parties.

- (c) **Part 3 – Concise Summary of the evidence** in accordance with Rule 15-63(3)(b).
- (d) **Part 4 – Concise Summary of the Issues in dispute.**
- (e) **Part 5 – Argument:** In detail, set out the party's position or argument with respect to the issues in dispute including:
  - (i) a detailed discussion of the relevant facts and points of law to be argued in support of the relief being requested from the Court; and
  - (ii) a List of Authorities in accordance with Rule 13-38.1
- (f) **Part 6 – Conclusion:** Set out a concise summary of the relief requested.
- (g) **Part 7 – Index to Tabs:** List sequentially the documents attached to the pre-trial brief and the tab under which they may be found.
- (h) **Schedule A:** Where division of family property is in issue, the pre-trial brief Form 1 shall attach as the first tab a property schedule in the form attached to this practice directive as Schedule A. Schedule A shall include the particulars required by Rule 15-63(3)(d).

Chief Justice M.D. Popescul,  
Court of King's Bench for Saskatchewan.

New. Gaz. 17 Nov. 2023.

**FORM A**

COURT FILE NUMBER

COURT OF KING'S BENCH

JUDICIAL CENTRE OF \_\_\_\_\_

PETITIONER: \_\_\_\_\_

RESPONDENT: \_\_\_\_\_

**PRE-TRIAL BRIEF OF**

---

*Petitioner / Respondent***PART 1 – SUMMARY OF FACTS**

- Petitioner's date of birth: \_\_\_\_\_
- Respondent's date of birth: \_\_\_\_\_
- Children's names and dates of birth:

\_\_\_\_\_  
*(name)*\_\_\_\_\_  
*(date of birth)*\_\_\_\_\_  
*(name)*\_\_\_\_\_  
*(date of birth)*

- Date of marriage (if any): \_\_\_\_\_
- Date cohabitation commenced (if not married): \_\_\_\_\_
- Date of separation: \_\_\_\_\_
- Date petition issued: \_\_\_\_\_
- History of agreements and court orders: (in chronological order)

\_\_\_\_\_  
*(date)*\_\_\_\_\_  
*(summarize agreement or court order)*

- Petitioner's current income: Annual: \_\_\_\_\_ Monthly: \_\_\_\_\_
- Respondent's current income: Annual: \_\_\_\_\_ Monthly: \_\_\_\_\_

**PART 2 – FACTS IN DETAIL**

- Particulars of parties: *(place of residence, education and training, employment and parental role and parental responsibilities undertaken)*
- Particulars of family needs and means: *(the condition, means, needs and circumstances of the parties and children)*
- Anticipated changes: *(anticipated changes in the means, needs or circumstances of the parties and children)*
- Family property: *(where property is in issue attach Schedule A)*
- Settlement: *(describe any settlement offers or counter offers)*

**PART 3 – SUMMARY OF EVIDENCE**

It is expected that the facts will be adduced from the following evidence: *(provide a concise summary of the evidence expected to be adduced)*

**PART 4 – SUMMARY OF ISSUES**

The following are the outstanding issues for which relief is being requested: *(select the applicable issues)*

- ☐ Divorce
- ☐ Spousal Support
- ☐ Custody and Access
- ☐ Division of Family Property
- ☐ Other: *(briefly describe)*

**PART 5 – ARGUMENT**

*(Provide a detailed discussion of the relevant facts and points of law to be argued in support of the relief being requested from the Court. Include a List of Authorities that complies with Rule 13-38.1.)*

**PART 6 – CONCLUSION** *(Set out a concise summary of the relief requested.)***PART 7 – INDEX TO TABS** *(List sequentially the documents attached to the pre-trial brief and the tab under which they may be found.)*

Tab A: Schedule A

Tab B: \_\_\_\_\_  
*(continue as needed)*

Dated at \_\_\_\_\_, Saskatchewan, this \_\_\_\_ day of \_\_\_\_\_, 2 \_\_\_\_.

\_\_\_\_\_  
*(Signature of Party or Lawyer)*

SCHEDULE A

(complete where division of family property is in issue)

| Property   | Petitioner | Respondent | Tab/Note<br>See note below |
|--|------------|------------|----------------------------|
| <b>Real Property</b><br>(List by civic address/land location.)                                   |            |            |                            |
| <b>Household Goods</b><br>(List general household goods, appliances, furniture and electronics.) |            |            |                            |

|   |  |  |  |
|---|--|--|--|
| <b>Vehicles and Recreational Vehicles</b><br><i>(List cars, trucks, boats, trailers, motorcycles, ATVs, snowmobiles and other vehicles by make, model, year.)</i> |  |  |  |
| <b>Other Personal Property</b><br><i>(List jewellery, works of art, collections, tools, sports and hobby equipment.)</i>  |  |  |  |
| <b>Bank Accounts, Savings and Investments</b><br><i>(List by name of financial institution and account number.)</i>   |  |  |  |

|  |  |  |  |
|--|--|--|--|
| <b>Pensions and Retirement Savings Plans</b><br><i>(List by name of pension plan, LIRA, RSP, etc., and account number.)</i>        |  |  |  |
| <b>Securities</b><br><i>(List shares, bonds, mutual funds, warrants, options, debentures, notes and any other securities.)</i>     |  |  |  |
| <b>Life and Disability Insurance</b><br><i>(List by name of insurer, type of policy and set out cash surrender value, if any.)</i> |  |  |  |

|  |  |  |  |
|--|--|--|--|
| <b>Business Interests</b><br><i>(List any interest either spouse holds in any privately held corporation and any unincorporated business, including proprietorships, partnerships, trusts and joint ventures.)</i> |  |  |  |
| <b>Accounts Receivable</b><br><i>(List money owed to either spouse whether from business or personal dealings, court judgments, amounts loaned to family members, or estate money owed.)</i>                       |  |  |  |



|   |  |  |  |
|---|--|--|--|
| <b>Other Property</b><br><i>(List any other property owned by a spouse not identified above.)</i> |  |  |  |
| A. Value of all Property  |  |  |  |
|   |  |  |  |
| Debts and other Liabilities   |  |  |  |
|   |  |  |  |
| B. Value of all Debts and other Liabilities   |  |  |  |
|   |  |  |  |

|   |  |  |  |
|---|--|--|--|
| Exemptions<br><i>(List any exemptions claimed.)</i>   |  |  |  |
| C. Value of Exemption Claims  |  |  |  |
| D. Total Net Property (A – (B+C) = D)   |  |  |  |
|   |  |  |  |
| Based on the above identify your proposal for a distribution of family property or its value and allocation of debts and liabilities. |  |  |  |

\*Tab Notes: *(Use tab notes to describe exemptions claimed, relevant changes in value of property, positions on the appropriate valuation date and where parties do not agree the basis of valuation/, and any income tax consequences or anticipated disposition costs.)*

**PROPOSED DISTRIBUTION:**

Based on the above, the petitioner/respondent proposes the following distribution of family property or its value and allocation of debts and liabilities: *(Indicate your proposal in point form showing all calculations.)*

FAMILY PRACTICE DIRECTIVE NO. 2  
MANDATORY PARENTING EDUCATION PROGRAMS

**REFERENCE: FAM-PD NO. 2**

Former reference: Practice Directive No. 14 issued October 17, 2001

**Effective:** July 1, 2013

**Revised:** November 1, 2023

**1** Every person commencing a family law proceeding in which custody, access or child support is in issue, other than proceedings pursuant to *The Reciprocal Enforcement of Maintenance Orders Act, 1996*, shall serve upon the respondent, at the same time as the document commencing the proceeding is served, a Notice to Attend a Parenting Education Program in the attached Form A.

Chief Justice M.D. Popescul,  
Court of King's Bench for Saskatchewan.

New. Gaz. 17 Nov. 2023.

**FORM A**  
**NOTICE TO ATTEND A PARENTING EDUCATION PROGRAM**

To: The Respondent (or Petitioner),

---

(Name)

YOU ARE REQUIRED to attend a parenting education program, unless:

- (a) you file with the court a certificate of attendance proving that you have attended a parenting education program or an equivalent program within the preceding two years; or
- (b) you obtain an exemption pursuant to subsection 8-1(9) of *The King's Bench Act*; or
- (c) you and all other parties to this proceeding certify in writing that a written agreement has been entered into settling all issues respecting custody, access and child support.

IF YOU FAIL to attend a parenting education program when required to do so the court may, on application:

- (a) strike out your pleading or other documents;
- (b) refuse to allow you to make submissions on an application or at trial; or
- (c) order you to attend a parenting education program within any time specified by the court.

To attend the course you must register at least two days in advance by telephone at toll free 1-877-964-5501 in Saskatoon. There is no fee for registration. Parties do not attend the course together.

Dated at \_\_\_\_\_, Saskatchewan, this \_\_\_\_ day of \_\_\_\_\_, 2 \_\_\_\_.

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(Party or Party's Lawyer)

FAMILY PRACTICE DIRECTIVE NO. 3  
OBJECTIONS TO AFFIDAVIT EVIDENCE IN FAMILY MATTERS

**REFERENCE: FAM-PD NO. 3**

Former reference: Practice Directive No. 17 issued October 17, 2001

**Effective:** July 1, 2013

**Revised:** May 1, 2014; November 1, 2023

- 1** Objections to affidavits shall be raised by filing a notice of objection in the attached Form A.
- 2** A copy of the affidavit objected to must be attached to the notice of objection with those portions to which objection is taken highlighted or otherwise identified, such as by underscoring, and a notation in the margin as to the rule upon which objection is taken and the grounds for the objection (example: hearsay, argument, opinion, irrelevant, etc.).
- 3** A notice of objection shall be served and filed:
  - (a) when objecting to the affidavit(s) filed in support of the substantive motion: at least seven days before the return date;
  - (b) when objecting to the affidavit(s) filed in response to the substantive motion: at least one clear day before the return date;
  - (c) when objecting to a reply affidavit: by noon the day before the return date.
- 4** A response to the notice of objection shall be filed in the attached Form B.
- 5** The response to the notice of objection shall be served and filed as follows:
  - (a) in reply to the objection to the affidavit(s) filed in support of the substantive motion: at least two clear days prior to the return date;
  - (b) in reply to the objection to the affidavit(s) filed in response to the substantive motion: 12:00 noon of the day before the return date;
  - (c) in reply to the objection to the reply affidavit: at the hearing on the return date.
- 6** There will be no argument in chambers on the objection unless the chamber judge requests further comment.

Chief Justice M.D. Popescul,  
Court of King's Bench for Saskatchewan.

**FORM A****NOTICE OF OBJECTION TO AFFIDAVIT EVIDENCE**

TAKE NOTICE that an application is hereby made to the presiding judge in chambers at the court house in \_\_\_\_\_, Saskatchewan, at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ on behalf of the petitioner (or respondent, as the case may be) objecting to the following affidavit evidence:

***[(a) The affidavit of \_\_\_\_\_, a copy of which is attached hereto with the material objected to identified;]***

ON THE FOLLOWING GROUNDS:

***[(a) As noted on the attached copy of the affidavit(s)]***

DATED at \_\_\_\_\_, in the Province of Saskatchewan, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

TO:

This document was delivered (etc. as in Form 589)

**FORM B****RESPONSE TO NOTICE OF OBJECTION**

THE PETITIONER (or Respondent as the case may be) ACKNOWLEDGES the following affidavit material is to be struck or disregarded, as the case may be:

***[(a) Identify the affidavit and the specific provisions]***

AND TAKES ISSUE with the remaining material objected to ON THE FOLLOWING GROUNDS:

***[(a) Identify the affidavit, the passage in question and the reason.]***

DATED at \_\_\_\_\_, in the Province of Saskatchewan, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

TO:

This document was delivered (etc. as in Form)

FAMILY PRACTICE DIRECTIVE NO. 4  
FAMILY SERVICE PROCEEDINGS

**REFERENCE: FAM-PD NO. 4**

**Effective:** May 1, 2014

**Revised:** November 1, 2023

- 1 The following practices, procedures and forms shall be used in proceedings under *The Child and Family Services Act*.
- 2 Initial Summary
  - (a) The applicant must complete and file an Initial Summary in the attached Form A in each matter.
  - (b) The Initial Summary is to be signed by the family service worker or supervisor responsible for the application.
  - (c) The Initial Summary is to be disclosed to the opposing counsel/or party at the same time and in the same manner as other family service court documents are disclosed.
- 3 Court Appearance Memo
  - (a) The applicant must complete and file Court Appearance Memo [CAM] in the attached Form B for each matter.
  - (b) The CAM must be filed with the Court by the end of the day on the Friday prior to Chambers.
  - (c) The CAM is to be disclosed to the opposing counsel/party at the same time and in the same manner as other family service documents are disclosed.
- 4 Applicant Pre-Trial Form
  - (a) The applicant must file an Applicant Pre-trial Form in the attached Form C for each matter.
  - (b) The Applicant Pre-Trial Form must be filed with the Court and a copy provided to the opposing counsel/party by noon on the Friday prior to the pre-trial.
- 5 Respondent Pre-Trial Form
  - (a) The Respondent must file a Respondent Pre-Trial Form in the attached form for each matter.
  - (b) The Respondent Pre-Trial Form must be filed with the Court and a copy provided to the applicant or its counsel by noon on the Friday prior to the pre-trial.

Chief Justice M.D. Popescul,  
Court of King's Bench for Saskatchewan.

**INITIAL SUMMARY****FSM NO.:****SOCIAL WORKER:**

| <b>Child's Name</b> | <b>Date of Birth</b> | <b>Mother</b> | <b>Father</b> |
|---------------------|----------------------|---------------|---------------|
|                     |                      |               |               |
|                     |                      |               |               |

**CUMULATIVE TIME OUT OF PARENTAL CARE:**

| <b>Dates</b><br>(date) to (date) | <b>Child's Name</b><br>(if more than one child<br>on the application) | <b>Legal Status</b><br>(Apprehended,<br>Section 9, Private<br>Placement) | <b>Time Out of<br/>Parental Care</b><br>(in year, month<br>format) |
|----------------------------------|---|--|--|
|                                  |   |  |  |
|                                  |   |  |  |

**CIRCUMSTANCES LEADING TO THE APPLICATION:**

History, circumstances of apprehension, etc.

**ORDER RECOMMENDED:**

|   |
|---|
| <p>___ s. 37(1)(a) – Placement with parent under supervision?<br/> Term:<br/> Parent:</p> <p>___ s. 37(1)(b) – Person of sufficient interest<br/> Term:<br/> PSI:<br/> Date of Home Study:</p> <p>___ s. 37(1)(c) – Short Term Wardship<br/> Term:</p> <p>___ s. 37(2) – Permanent Wardship<br/> Date of Panel Approval:</p> <p>___ s. 37(3) – Long-Term Wardship to Age 18<br/> Date of Panel Approval:</p> <p>Conditions to attach:</p> |
|---|



**COURT APPEARANCE MEMO****FSM NO.:****DATE:** *(chambers date)***SOCIAL WORKER:** *(name)***CHILD(REN):****DATE(S) OF BIRTH:**1. *(name)*

DOB

2. *(name)*

DOB

**DATE OF APPREHENSION:** *(date)***DATE OF APPLICATION:** *(date)***APPEARANCE NUMBER:** *(number)***ORDER RECOMMENDED:**☐ s.37(1)(a) – Placement with parent under supervision?

Term:

Parent:

☐ s. 37(1)(b) – Person of sufficient interest

Term:

PSI:

Date of Home Study:

☐ s. 37(1)(c) – Short Term Wardship

Term:

☐ s. 37(2) – Permanent Wardship

Date of Panel Approval:

☐ s. 37(3) – Long-Term Wardship to Age 18

Date of Panel Approval:

Conditions to attach:

**SERVICE:**

|                                 | DATE SERVED: | METHOD OF SERVICE: |
|---------------------------------|--------------|--------------------|
| MOTHER:<br>(name)               |              |                    |
| MOTHER'S BAND:<br>(name)        |              |                    |
| FATHER:<br>(name)               |              |                    |
| FATHER'S BAND:<br>(name)        |              |                    |
| SIGNIFICANT OTHER(S):<br>(name) |              |                    |

**REGISTRATIONS OF LIVE BIRTH:**

|                | FILED? Yes or no |
|----------------|------------------|
| (child's name) | (yes or no)      |
| (child's name) | (yes or no)      |

**EVIDENCE:**

1. Affidavit of .....
- 2.
- 3.

**DOCUMENTS NEEDED:**

1. Proof of service on...
2. Affidavit...

**HAS A DRAFT ORDER BEEN FILED?** Yes or No

**PRE-COURT COMMENTS:**

**MSS COUNSEL:** *(name)*

**MOTHER'S COUNSEL:** *(name)*

**FATHER'S COUNSEL:** *(name)*

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**REPORT TO WORKER** *(FOR COUNSEL USE ONLY):*

**WHO APPEARED?**

**WHAT HAPPENED IN COURT?**

**APPLICANT PRE-TRIAL FORM**

**Date:** *(pre-trial date)*

**Court File Number/Name:** *(court file number/name)*

**Counsel for Ministry/Agency:** *(name)*

**Date of Application:** *(date)*

**Order Recommended:** *(details of order recommended)*

**Mother:** *(name and date served)*

**Mother's Band:** *(name and date served)*

**Father:** *(name and date served)*

**Father's Band:** *(name and date served)*

**Other:** *(name(s) and date(s) served or consent(s) filed)*

**Birth Registration:** *(confirm that previously filed that attached)*

**Evidence:** *(details of evidence filed (affidavit(s), home assessment(s), etc.)*

**Summary:**

*(details from evidence in paragraph or point form addressing circumstances leading to application, concerns of Ministry/Agency, position of Ministry/Agency on application and any other issue/matter Ministry/Agency feels is relevant to the proceeding)*

**RESPONDENT PRE-TRIAL FORM**

**Date:** *(pre-trial date)*

**Court File Number/Name:** *(court file number/name)*

**Counsel:** *(name)*

**Representing:** *(name and relationship to child/children)*

**Evidence:** *(details of evidence filed on behalf of this party)*

**Summary:**

*(details from evidence in paragraph or point form addressing circumstances of this party, any steps taken or to be taken by this party, this party's position on application and any other issue/matter this party feels is relevant to the proceeding)*

FAMILY PRACTICE DIRECTIVE NO. 5  
SUMMARY HEARINGS IN FAMILY SERVICES PROCEEDINGS

**REFERENCE: FAM-PD NO. 5**

**Effective:** September 1, 2018

**Revised:** June 1, 2023

**1** The following practices and procedures shall be used in contested applications under *The Child and Family Services Act [CFSA]* when either of the following orders is sought:

- (a) Placement with a parent under supervision pursuant to s. 37(1)(a) of the *CFSA*; or
- (b) An order temporarily placing the child in the care of the Minister for a period of six months or less pursuant to s. 37(1)(c) of the *CFSA*.

**2** If the application is opposed by any of the parents or a person of sufficient interest, and the matter is at the stage where it should be directed to a pre-trial conference, the parents and the persons of sufficient interest will be given the option of proceeding directly to a one-day summary hearing instead of proceeding to a pre-trial conference. If all of the parents and persons of sufficient interest who are opposed to the application do not consent to the matter proceeding directly to a one-day summary hearing, the matter shall first proceed to a pre-trial conference.

**3** If one of the parents or persons of sufficient interest elects to have a pre-trial conference and the matter is not resolved at the pre-trial conference, the matter shall then be set for a one-day summary hearing.

**4** If any of the parties who are participating in the matter are self-represented, the local registrar shall provide them with a copy of this Practice Directive and the document entitled “Explanation to a Self-Represented Person Opposing the Application” (Appendix “A”), when the matter is set for summary hearing.

**5** The following procedure shall be used for summary hearings:

- (a) At the summary hearing, the affidavits filed by the applicant will be the evidence-in-chief on behalf of the applicant. The applicant may file additional affidavits within seven days after the matter is set down for summary hearing and these additional affidavits also form part of the evidence-in-chief on behalf of the applicant. The applicant may file additional affidavits with leave of the court.
- (b) The applicant shall make available a copy of all of its affidavits to all of the parties who are participating in the matter within 10 days after the matter has been set down for summary hearing, in the following manner:
  - (i) For any parties represented by counsel, the affidavits shall be served on the parties’ counsel.

- (ii) For any self-represented parties, the court will make an order providing conditions upon which the affidavits will be provided to the self represented party. This order will require the self-represented party to personally pick up the copies of the affidavits from the office of the Ministry of Social Services and sign an undertaking regarding the use of the documents. The undertaking will mirror the conditions of the order.
- (iii) The copies of the affidavits shall not be redacted without an order permitting such redaction. The applicant may apply to the court for an order permitting redaction before providing copies of the affidavits.
- (c) The applicant must make the deponents of its affidavits available for cross-examination by the other parties at the hearing. Each of the other parties participating in the application shall promptly provide the applicant with reasonable notice for any deponent the party does not wish to cross-examine. Unless all of the other parties participating in the matter give notice that a particular deponent is not required for cross-examination, that deponent must attend the hearing for the purpose of cross-examination.
- (d) The evidence of the parents and the persons of sufficient interest may be *viva voce* or by affidavits with the right of the applicant and any other parties opposed in interest to cross-examine each witness or deponent. Any affidavits filed on behalf of a parent or person of sufficient interest must be served on the applicant and filed a minimum of seven days in advance of the hearing. If a parent or person of sufficient interest wishes to file affidavits, that party must make copies of the affidavits available to all self-represented parties who are participating in the matter in the same manner as set out in para. 5(b)(ii) of this procedure with modifications as necessary.
- (e) The parents and persons of sufficient interest must make the deponents of their affidavits available for cross-examination at the hearing. The applicant and other participating parties shall promptly provide the party who files an affidavit with reasonable notice with regard to any deponent the applicant or other participating parties do not wish to cross-examine. Unless the applicant and all other participating parties give notice that a particular deponent is not required for cross-examination, that deponent must attend the hearing for the purpose of cross-examination.
- (f) The applicant will have the right to provide *viva voce* reply evidence with leave of the court.
- (g) The applicant shall be first to argue, followed by the other parties, with rebuttal by the applicant.
- (h) This procedure is subject to modification by the judge presiding at the summary hearing after hearing submissions from the parties regarding any proposed modifications. Such modifications may be made in advance of the hearing or at the hearing.
- (i) Once a matter has been set for a summary hearing, if counsel for one of the parties wishes to withdraw, such counsel must seek leave of the court to withdraw. Such an application, unless otherwise ordered, may be by conference call with any judge of the court.

(j) Summary judgment will be provided by the court as soon as possible, preferably orally at the conclusion of the hearing. Subsection 37(9) of *The Child and Family Services Act* requires written reasons be provided. If an oral ruling is given the presiding judge should request the oral decision be transcribed by transcript services for distribution to the parties.

**6** Attached as Appendix “A” is the “Explanation to a Self-Represented Person Opposing the Application”.

**7** Attached as Appendix “B” is the “Suggested Terms for a Disclosure of Affidavits Order for Summary Hearing”.

**8** Attached as Appendix “C” is a draft “Undertaking to Obtain Copies of Affidavits”.

Chief Justice M.D. Popescul,  
Court of King’s Bench for Saskatchewan.

New. Gaz. 17 Nov. 2023.



## APPENDIX A

### Explanation to a Self-Represented Person Opposing the Application

Attached to this document is the procedure that will take place where Social Services (or a child and family services agency) has apprehended a child and wants a judge to make a short-term order (less than six months) that allows Social Services to care for the child or to return the child to a parent with conditions. The procedure is written in legal terms. Here is an explanation in more common language. This explanation refers to “Social Services” but the procedure is the same if a child and family services agency is involved instead of Social Services.

#### Overview

There is often opposition to the order Social Services wants. It is a judge, not Social Services, who makes the final decision as to what should happen with the child. This explanation will refer to the person opposing Social Services as the “parent” but in some cases it is both parents or other people who are interested in the welfare of the child that can have a say in what is best for the child.

Social Services must bring an application to the court after it apprehends a child. An application is simply a document that describes what Social Services wants the court to order. For example, Social Services may want to keep the child in its care for a few months or return the child to the parent but with conditions. It sometimes asks for a longer order, such as when it says that it is best for the child to be placed in the care of Social Services permanently.

When Social Services wants an order allowing it to care for the children for longer than six months, there is a fairly long legal process involving a pre-trial conference and sometimes a trial.

The summary hearing procedure described here is faster than going all the way to a trial but can only be used when Social Services is asking for an order that affects the child for six months or less and:

- wants the child to be placed with a parent, but with conditions, or
- wants the child to be placed in the care of Social Services.

If the parent does not want the order Social Services wants, there will be a summary hearing before a judge who will decide what kind of an order is best for the child. A summary hearing is a very short trial, usually less than a day.

**What Happens before the Hearing?**

Within 10 days of the judge ordering that there will be a summary hearing, Social Services has to give the parent the sworn affidavits that it says justify the court making the order that it wants. These affidavits are evidence that the court will consider in making its decisions. The parent will have to pick up these copies of the affidavits from Social Services and sign an undertaking agreeing to use the affidavits only for the purposes of the hearing.

Seven days before the hearing, the parent can serve Social Services with any sworn affidavits it wants the court to consider. The parent has to file those affidavits with the court as well. The parent does not have to file affidavits and can call witnesses who can testify at the hearing.

Affidavits are statements containing facts that the person making the statements swears to be true. Anyone who swears an affidavit has to be present in court at the hearing so the other side can cross-examine them (ask them questions). If the parent does not need to cross-examine a person who swore an affidavit, the parent should tell this to Social Services and that person does not have to be at the hearing.

**What Happens at the Hearing?**

- 1** Social Services goes first. The judge will have read the affidavits Social Services filed and will consider them to be the evidence that Social Services says is sufficient to persuade the judge to give it the order Social Services wants the judge to make.
- 2** The parent can cross-examine the people who swore the affidavits Social Services filed.
- 3** The parent then has the opportunity to bring evidence before the judge in opposition to the order Social Services wants:
  - (a) If the parent has filed sworn affidavits, Social Services can cross-examine those people (remember that those people have to be at the hearing unless Social Services tells the parent that they do not have to be there). The parent can ask the witness a few questions after that.
  - (b) The parent can testify and call other witnesses to testify. Social Services can cross-examine the parent and any other witnesses the parent calls.
- 4** Social Services can then bring witnesses to testify in reply to the evidence put before the court by the parent.
- 5** After that, the judge will listen to Social Services explain why the order it wants should be granted and the parent can explain why the judge should not grant the order.
- 6** The judge will make a decision after hearing the arguments from Social Services and the parent. Sometimes the judge will give the decision at the end of the hearing and the parent will later be given a transcript of what the judge said. Sometimes the judge will not give a decision right away and will make the order in writing at a later date.

**APPENDIX B****Suggested Terms for a Disclosure of Affidavits Order for a Summary Hearing**

The Ministry of Social Services (or name of the child and family services agency) shall make copies of its affidavits available to \_\_\_\_\_ [the Respondent], upon the following conditions:

1. The Respondent shall use the affidavits solely for the purpose of conducting the summary hearing in the Court of King's Bench in relation to the children\_\_\_\_\_  
\_\_\_\_\_.
2. The Respondent shall not share the contents of the affidavits with any other person except for the purpose of preparing for the summary hearing.
3. The Respondent shall keep the affidavits in his or her possession and not allow any other person to take possession of the affidavits.
4. The Respondent shall store the affidavits in a secure, private location.
5. The Respondent shall not make any copies of the affidavits.
6. The Respondent shall not post the affidavits or their contents to Facebook, Instagram or any other social media.
7. The Respondent shall not publish, broadcast or disseminate, in any form or format, the affidavits or their contents.
8. The Respondent shall return the affidavits to the Ministry of Social Services within seven days after the conclusion of the summary hearing.
9. \_\_\_\_\_  
(Any other conditions the court deems appropriate)
10. The Respondent shall personally pick up the copies of affidavits from the offices of the Ministry of Social Services.
11. The Respondent shall sign an undertaking at the offices of the Ministry of Social Services acknowledging his or her obligations under this order before receiving copies of the affidavits from the Ministry of Social Services.

**APPENDIX C**  
**UNDERTAKING TO OBTAIN COPIES OF AFFIDAVITS**

I, \_\_\_\_\_, am a self-represented party in the court application  
for: \_\_\_\_\_.

*(children's names and birth dates)*

**In order to receive a copy of the affidavits in this matter, I undertake I will comply with the conditions listed below:**

- 1. I will use the affidavits solely for the purpose of conducting the summary hearing in the Court of King's Bench for the children listed above.**
- 2. I will not share the contents of the affidavits with any other person except for the purpose of preparing for the summary hearing.**
- 3. I will keep the affidavits in my possession and not allow any other person to take possession of the affidavits.**
- 4. I will store the affidavits in a secure, private location.**
- 5. I will not make any copies of the affidavits.**
- 6. I will not post the affidavits or their contents to Facebook, Instagram or any other social media.**
- 7. I will not publish, broadcast or disseminate, in any form or format, the affidavits or their contents.**
- 8. I will return the affidavits to the Ministry of Social Services within seven days after the conclusion of the summary hearing.**

9. \_\_\_\_\_  
*(Any other conditions the court ordered)*

**10. I acknowledge failure to comply with any of these conditions can result in contempt of court proceedings against me.**

Dated at \_\_\_\_\_, Saskatchewan, this \_\_\_\_\_  
day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
*(signature)*

FAMILY PRACTICE DIRECTIVE NO. 6  
FAMILY CHAMBERS APPEARANCE MEMO

**REFERENCE: FAM-PD NO. 6**

**Effective:** February 1, 2020

**Revised:** June 1, 2023; September 1, 2024

- 1** Each party appearing on an application in chambers respecting a family law proceeding must complete and file with the Court a Family Chambers Appearance Memo [Memo] in the form attached to this practice directive as Appendix A, except as provided in paragraph 4 of this practice directive.
- 2** If an application is adjourned, each party shall file an updated Memo describing the change in circumstance since the filing of the last Memo or confirming that there has been no change in circumstances.
- 3** The Memo, or any updated Memo, shall be filed and a copy provided to the other party(s) at least two (2) days prior to the scheduled Chambers date.
- 4** This practice directive does not apply to proceedings under *The Child and Family Services Act, S.S. 1989-90*, c C-7.2, or to any application made by Appearance Day Notice or by Application without Notice.

Chief Justice M.D. Popescul,  
Court of King's Bench for Saskatchewan.

New. Gaz. 17 Nov. 2023; Rev. Gaz. 6 Sep. 2024.

**APPENDIX A**

COURT FILE NUMBER \_\_\_\_\_

COURT OF KING'S BENCH FOR SASKATCHEWAN  
(FAMILY LAW DIVISION)

JUDICIAL CENTRE \_\_\_\_\_

PETITIONER(S) \_\_\_\_\_

RESPONDENT(S) \_\_\_\_\_

**FAMILY CHAMBERS APPEARANCE MEMO**for Chambers on (Chambers date)

## 1. Participants:

a. This Memo is filed on behalf of: \_\_\_\_\_  
\_\_\_\_\_

b. The other party/parties and counsel are:

i. \_\_\_\_\_

ii. \_\_\_\_\_

iii. \_\_\_\_\_

2. The *(petitioner/respondent)* applies for the relief set forth in the application dated \_\_\_\_\_ and the draft order filed on \_\_\_\_\_.3. A description of the position that will be advanced on the hearing date respecting readiness to proceed is: *(identify whether you are seeking an adjournment, seeking leave to file further materials, opposing an adjournment, and whether any applicable statutory requirements are outstanding)*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_4. A concise summary of the legal aspects of the substantive position of the party filing this Memo is \_\_\_\_\_  
\_\_\_\_\_

## 5. The following relief is consented to/unopposed:

(1) \_\_\_\_\_

*(describe consented to relief)*

(2) \_\_\_\_\_

*(describe consented to relief)*

## 6. Materials filed and served:

- (a) To be completed by the Petitioner: the petitioner has served and filed the following affidavits/other material respecting the pending application:

| Describe Document | Date Served | Date Filed |
|-------------------|-------------|------------|
|                   |             |            |
|                   |             |            |
|                   |             |            |
|                   |             |            |

- (b) To be completed by the Respondent: the respondent has served and filed the following affidavits/other material respecting the pending application:

| Describe Document | Date Served | Date Filed |
|-------------------|-------------|------------|
|                   |             |            |
|                   |             |            |
|                   |             |            |
|                   |             |            |

## 7. Other proceedings and applications:

- (a) The following is a summary of other applications and matters pending in this action:

## i. Other applications pending:

☐ none

☐ returnable on \_\_\_\_\_

☐ reserved on \_\_\_\_\_ by Justice \_\_\_\_\_

ii. Pre-trial: ☐ Not scheduled ☐ Schedule for: \_\_\_\_\_

iii. Trial: ☐ Not scheduled ☐ Schedule for: \_\_\_\_\_

## iv. Notice of Objection:

☐ none

☐ filed on \_\_\_\_\_ by \_\_\_\_\_ regarding Affidavit  
of \_\_\_\_\_

## v. Other relevant proceedings:

\_\_\_\_\_  
\_\_\_\_\_

- (b) The following is a summary of any other relevant or related proceedings (including criminal, family, domestic violence and/or child protection):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. The parties have attended a parenting education program within the preceding two years as required by Rule 15-15 and s.8-1 of *The King's Bench Act*.

Petitioner ☐ NO ☐ YES – DATE: \_\_\_\_\_

Respondent ☐ NO ☐ YES – DATE: \_\_\_\_\_

9. The parties have complied with any family dispute resolution obligations required by Rule 15-14 and s.7-4 of *The King's Bench Act*.

☐ NO ☐ YES ☐ NOT APPLICABLE

☐ OTHER (please explain): \_\_\_\_\_

10. This is the:

a. ☐ first Memo filed respecting this application

OR

b. ☐ updated Memo filed by the (petitioner/respondent) in respect of this application, and:

☐ The changes in circumstances since the filing of the last Memo are (describe changes in point form):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

OR

☐ There is no change in circumstances and/or position being advanced since the last Memo was filed.

DATED at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
(signature of party's lawyer or party, if self-represented)

\_\_\_\_\_  
(print name of party's lawyer or party, if self-represented)

CONTACT INFORMATION AND ADDRESS FOR SERVICE:

Name of party or party's lawyer: \_\_\_\_\_

Address: \_\_\_\_\_  
(set out the street address)

Telephone number: \_\_\_\_\_

Fax number (if any): \_\_\_\_\_

E-mail address (if any): \_\_\_\_\_



FAMILY PRACTICE DIRECTIVE NO. 7  
MANDATORY PARTICIPATION IN A JUDICIAL CASE CONFERENCE BEFORE A  
CHAMBERS HEARING IS SCHEDULED

**REFERENCE: FAM-PD NO. 7**

**Effective:** November 1, 2022

**Revised:** November 1, 2023

- 1 This practice directive applies in the judicial centres of Saskatoon and Regina.
- 2 This practice directive applies to applications brought under Part 15 of *The King's Bench Rules* where proceedings have been commenced pursuant to the following:
  - (a) Part 2 or 5 of *The Children's Law Act, 2020*, other than a hearing pursuant to section 21 of that Act;
  - (b) *The Family Maintenance Act, 1997*;
  - (c) *The Family Property Act*; or
  - (d) *The Divorce Act (Canada)*.
- 3 Commencing on the effective date, applications to which this practice directive applies must be accompanied by a Certificate of Compliance with Practice Directive No. 7 in attached Form FAM-PD NO. 7-1.
- 4 Unless otherwise exempted by court order or this practice directive, commencing on the effective date, applications to which this practice directive applies shall abide by the following practices and procedures:
  - (a) Before a matter can be scheduled for a chambers hearing, the parties shall participate in a Judicial Case Conference [JCC].
  - (b) Unless otherwise ordered, the parties shall not file or serve application documents or affidavit materials in advance of a JCC.
  - (c) To schedule a JCC, a party shall serve and file a Request for Judicial Case Conference using attached Form FAM-PD NO. 7-2 identifying the relief being sought, and appending a draft order. The party requesting a JCC must serve the opposing party with the Request for Judicial Case Conference at least three (3) days before it is filed with the Court.
  - (d) If a party is served with a Request for Judicial Case Conference from the opposing party and wishes to raise their own request for relief, they may serve and file a separate Request for Judicial Case Conference using the attached form identifying the relief being sought.
  - (e) If the parties agree to seek relief from the Court, they may file a Joint Request for Judicial Case Conference using attached Form FAM-PD NO. 7-3.
  - (f) The Court will review the filed Request for Judicial Case Conference to determine whether a JCC should be scheduled. If so, a date and time will be set for a JCC. If the Court determines that a JCC should not be scheduled, the Court will provide further directions.

(g) Once a JCC is scheduled, the Court will provide the requesting party with a Notice of Judicial Case Conference in attached Form FAM-PD NO. 7-4. Unless otherwise ordered, the requesting party shall serve a copy of the Notice on the opposing party/parties at least seven (7) days prior to the date scheduled for the JCC and file proof of same.

(h) At least two (2) days prior to the date scheduled for the JCC, each party shall serve and file a Judicial Case Conference Appearance Memo in attached Form FAM-PD NO. 7-5.

(i) At the JCC:

(i) The participants may consider:

(A) compliance with Part 15 of *The King's Bench Rules* respecting disclosure or otherwise;

(B) dispute resolution possibilities, the process for them and how they can be facilitated;

(C) simplification or clarification of a claim, a pleading, a question, an issue, an application or a proceeding;

(D) setting or adjusting dates by which a stage or a step in the action is expected to be complete;

(E) case management by a judge;

(F) practice, procedural or other issues or questions and how to resolve them;

(G) any other matter that may aid in the resolution or facilitate the resolution of a claim, application or proceeding or otherwise meet the purpose and intention of the rules described in Rule 15-3.

(ii) The presiding judge may:

(A) make a procedural order;

(B) make a substantive order with the consent of the parties;

(C) schedule another JCC;

(D) set a date and time for a chambers hearing including making an order identifying the issues in dispute, setting filing deadlines, providing direction on the materials to be filed, and setting time limits for oral arguments;

(E) set a date and time for a summary judgment hearing; and/or

(F) direct that the local registrar schedule a pre-trial settlement conference or trial.

(j) The clerk will endorse the judge's decision on the file at the conclusion of the JCC. A copy of the endorsement will be sent to the parties at their address for service.

(k) If another JCC is scheduled by the presiding judge, in addition to complying with any order made by the presiding judge, each party shall serve and file an updated Judicial Case Conference Appearance Memo in attached Form FAM-PD NO. 7-5 at least two (2) days prior to the JCC.

(l) If a chambers hearing is scheduled by the presiding judge, in addition to complying with any order made by the presiding judge, each party shall also comply with Part 15 of *The King's Bench Rules* and FAM-PD NO. 6.

(m) If the presiding judge directs the local registrar to schedule a summary judgment hearing, pre-trial conference or trial, in addition to complying with any order made by the presiding judge, each party shall also comply with Part 15 of *The King's Bench Rules* and FAM-PD NO. 6.

**5** Unless otherwise ordered, the following applications are exempt from the JCC process prescribed at paragraph 4 of this practice directive:

(a) Applications without notice in the following circumstances:

(i) where urgent relief is being sought, including where there is a risk of immediate harm to a party or a child, the removal of a child and/or loss or destruction of property. Such applications shall continue to be brought before the Court pursuant to the process outlined in Part 15, Division 3, Subdivision 3 of *The King's Bench Rules*;

(ii) where direction is sought respecting the service of documents. Such applications shall continue to be brought before the Court pursuant to the process outlined in Rule 15-7 and Part 12 of *The King's Bench Rules*;

(iii) where a party or the parties seek to issue a petition or co-petition without the necessity of filing a certificate of the marriage or registration of the marriage, a financial statement, or a property statement; and

(iv) where a party is applying for uncontested interim relief. Such applications shall continue to be brought before the Court pursuant to the process outlined in Part 15, Division 3, Subdivision 3 of *The King's Bench Rules*;

(b) Applications for judgment in uncontested matters. Such applications shall continue to be brought before the Court pursuant to Rule 15-42 and the process outlined in Part 15, Division 6, Subdivision 1 of *The King's Bench Rules*;

(c) Proceedings in which the application is the document commencing a family proceeding. This includes:

(i) Applications for corollary relief made pursuant to Rule 15-24 and the process outlined in Part 15, Division 2, Subdivision 3 of *The King's Bench Rules*; and

(ii) Applications for variation of a final order made pursuant to Rule 15-26 and the process outlined in Part 15, Division 2, Subdivision 4 of *The King's Bench Rules*.

- 6** JCCs are subject to Rules 9-33 and 9-34(2) of *The King's Bench Rules* and as such:
- (a) No person shall record by any device, machine, or system the JCC:
    - (i) without leave of the presiding judge; and
    - (ii) except as provided by *The Evidence Act* or any order issued pursuant to that Act.
  - (b) Any recording of a JCC does not form part of the Court record, and no access to these recordings shall be granted by the Court to any party, lawyer of record, member of the media, or member of the public.
- 7** Attached as Appendix "A" is Reference FAM-PD NO. 7A - "A Guide to Judicial Case Conferences".
- 8** Attached as Appendix "B" is Form FAM-PD NO. 7-1 – "Certificate of Compliance with Practice Directive NO. 7".
- 9** Attached as Appendix "C" is Form FAM-PD NO. 7-2 – "Request for Judicial Case Conference".
- 10** Attached as Appendix "D" is Form FAM-PD NO. 7-3 – "Joint Request for Judicial Case Conference".
- 11** Attached as Appendix "E" is Form FAM-PD NO. 7-4 – "Notice of Judicial Case Conference".
- 12** Attached as Appendix "F" is Form FAM-PD NO. 7-5 – "Judicial Case Conference Appearance Memo".

Chief Justice M.D. Popescul,  
Court of King's Bench for Saskatchewan.

APPENDIX A – REFERENCE FAM-PD NO. 7A  
(Family Practice Directive No. 7)

A GUIDE TO JUDICIAL CASE CONFERENCES

**What is a Judicial Case Conference?**

A Judicial Case Conference [JCC] is a formal meeting between a judge of the Court and the parties to a family law proceeding, and/or their lawyers if they are represented. A JCC provides an early opportunity for the parties, with the assistance of a judge, to discuss ways in which some or all of the issues may be resolved other than by further litigation. If further litigation is necessary, the JCC provides an opportunity to put a plan in place that will ensure the application is heard and a decision is made in a just, timely and cost-efficient manner.

**When do I need to participate in a JCC?**

Commencing on November 1, 2022 [Effective Date], before a contested matter can be scheduled for a chambers hearing in the Judicial Centres of Saskatoon or Regina, the parties may be required to participate in a JCC. There are some proceedings where a JCC is not required: see Family Practice Directive No. 7 (FAM-PD No. 7).

Parties should not request a JCC until they have determined that the matter cannot be resolved without assistance from the court, and that all applicable prerequisites have been met. They will then be in a position for meaningful interaction with the judge at a JCC.

**What if my Application was Adjourned *Sine Die* prior to the Effective Date?**

If your matter was adjourned *sine die* prior to the Effective Date, being November 1, 2022, you are required to participate in a JCC if your application is one to which FAM-PD No. 7 applies.

**How do I obtain a date for a JCC?**

To obtain a JCC date, you must file a “Request for a Judicial Case Conference” in Form FAM-PD No. 7-2 along with a draft order. The Request for a Judicial Case Conference must be signed by the party; a lawyer cannot sign on behalf of their client. A completed copy of the form must be served on the opposing party at least three (3) days before it is filed in court.

It may be possible that you and the opposing party agree that a JCC is necessary even if you cannot agree on how to resolve the legal issues between you. In that event, you can file a “Joint Request for a Judicial Case Conference” in Form FAM-PD No. 7-3.

Once a Request form is filed with the court, a judge will review it to determine whether a JCC should be scheduled. If the judge is not satisfied that the prerequisites have been met, the judge may refuse to schedule a JCC. In that event, the judge will make an endorsement on the court file directing that further steps be taken by the requesting party. A copy of that endorsement will be sent to you by the court.

If the judge is satisfied that a JCC should be scheduled, the court will provide you with a “Notice of Judicial Case Conference” in Form FAM-PD No. 7-4 identifying the date and time of the JCC. The requesting party is required to serve a copy of the Notice on the opposing party/parties and file proof of service with the court.

**What if I am seeking urgent relief?**

FAM-PD No. 7 does not apply where urgent relief is required. This includes situations where there is risk of immediate harm to a party or a child, the removal of the child, or loss or destruction of property. An application seeking urgent relief may proceed to the court as a “without notice application” in the manner currently prescribed by Part 15 of *The King’s Bench Rules*.

Once the without notice application has been determined, the hearing judge may then direct that the parties proceed to a JCC. In that event, a “Notice of Judicial Case Conference” will be provided to the applicant by the court. Moreover, any further non-urgent matters will be expected to follow the process outlined in FAM-PD No. 7.

**What if I am only seeking procedural relief?**

Applications for procedural matters, such as those that are contemplated by a Notice of Application for Procedural Matters (Form 15-40) or an Appearance Day Application (Form 15-36), are included in Practice Directive No. 7. As such, the applying party is required to request a JCC.

That said, the JCC judge has the authority to make procedural orders, including ordering a party to comply with *The King’s Bench Rules* and setting deadlines for the filing of materials. This may negate the need for the procedural issue to proceed to chambers.

**Where does a JCC take place and am I required to attend in person?**

The JCC will take place in a courtroom before a judge. A clerk will also be present to record any order made by the judge and to assist with scheduling any further JCCs or chambers hearings, as may be ordered by the judge.

If you are represented by a lawyer, your lawyer can typically attend on your behalf, although the judge may require represented parties to be present. If you are not represented by a lawyer, you are required to attend in person unless leave is granted to appear by phone in advance of the JCC date. If you wish to request leave to appear by phone, you may send your request by email to the Family Law Screening Officer at least one (1) day prior to the date set for the JCC.

JCCs will proceed every Thursday and Friday. There will be an afternoon list on Thursday and a morning and afternoon list on Friday. There will be more than one JCC set at the same time and matters will proceed in the order directed by the presiding judge. The courtroom will be open to the public. Parties, or their lawyers if represented, are expected to be present at the time set and wait until their matter is called. If the court gives you leave to attend by phone, you must ensure that you are available to accept the call.

Although the JCC will be recorded by the court, the parties are not permitted to have a copy of the recording. Further, as with all court proceedings, parties and lawyers are not permitted to make their own recording.

**What if I do not attend on the date set for the JCC ?**

It is mandatory that you attend the JCC or make arrangements for a lawyer to attend on your behalf. The JCC judge may make an order against a party who fails to attend a JCC without reasonable excuse. For example, if you are the party requesting the JCC and you fail to attend, the judge may direct that no further case conference be scheduled without renewing your request or may make an order in your absence without further notice to you. Costs may also be awarded against you. If you are the opposing party and you fail to attend, the judge may make an order in your absence without further notice to you. Costs may also be awarded against you.

**What if I want to adjourn the JCC?**

If you want to adjourn the JCC, you should attempt to obtain the opposing party's consent. If all parties consent to adjourn the JCC, you must notify the court and arrange for a new date and time to be set. This can be done by contacting the Family Law Screening Officer at least one (1) day prior to the date set for the JCC.

If you want to adjourn the JCC but the other party will not agree, you should advise the court that you wish to seek an adjournment in your Judicial Case Conference Memo in form FAM PD No. 7-5 and be prepared to speak to the issue at the start of the case conference.

**What happens at a JCC?**

There are a number of topics that you can expect to be discussed at the JCC along with orders that may be made by the presiding judge. For example:

1. Identifying the issues in dispute:

The judge will ask you to describe the relief you are asking for and identify what issues are in dispute. If the parties agree on some of the issues, the judge may grant a consent order respecting those issues if the judge is satisfied there is a sufficient evidentiary basis to do so.

2. Discussing resolution options and processes:

Parties are expected to try to resolve matters on their own before they come to court. The judge will ask what steps have been taken to resolve the issues out of court. These may include settlement meetings between the parties and their lawyers, mediation through the Dispute Resolution Office or a private family mediator, the use of a divorce coach or parenting coordinator and family or coparenting counselling. The judge may also ask you to consider other options available to resolve the disputed issues without recourse to a hearing. The judge may also adjourn the JCC and direct that you participate in a specific dispute resolution process before you can come back to court.

3. Ensuring all requirements are met:

Parties are expected to meet a number of requirements before they seek an order from the court. This includes compliance with the mandatory family dispute resolution requirements pursuant to s.7-4 of *The King's Bench Act*, SS 2023, c 28. It may also include the completion of the parenting education program pursuant to s.8-1 of *The King's Bench Act*, where parenting or child support is in issue.

There are also procedural requirements mandated by *The King's Bench Rules*, including the close of pleadings or disclosure. For example, if a claim is made for spousal support or child support, parties are required to serve and file a Financial Statement in Form 15-47 in accordance with Rule 15-47 and Rule 15-48. Likewise, if a claim is made for property, the parties are required to serve and file a Property Statement in Form 15-49 in accordance with Rule 15-49 and Rule 15-50.

The judge may make orders to ensure compliance with these requirements before a matter is allowed to proceed.



4. Determining whether a chambers hearing is required and directing steps to manage that hearing:

If there are issues in dispute that require a chambers hearing, the presiding judge may identify those issues, grant leave to file an application in chambers and set a hearing date. In that event, the judge may also provide directions to ensure that the application(s) is/are ready to proceed on the date set for hearing. This might include setting deadlines for the service and filing of affidavit materials and other evidence as well as time limits on the length of oral arguments at the chambers hearing.

This is not an exhaustive list of what might be discussed at a JCC. The judge has the authority to initiate a discussion on any matter that may aid in the resolution of the issues in dispute or otherwise meet the purpose and intention of the Foundational Rules described in Rules 1-3 and 15-3.

In addition, while the JCC will be an opportunity to have a general discussion about the case including possible outcomes, it is not intended to be a settlement conference. A one-day pre-trial settlement conference remains available to litigants and may be directed by the judge.

The judge will not be seized with the matter but may endeavour to schedule the matter back before himself or herself. The JCC judge may also be the chambers hearing judge or trial judge.

**Am I required to file any information or documents in advance of the JCC?**

You are required to serve and file a “Judicial Case Conference Appearance Memo” in form FAM-PD No. 7-5 at least two (2) days prior to the date scheduled for the JCC. In addition, all parties are required to comply with the disclosure requirements set out in *The King’s Bench Rules* (see Rules 15-47 to 15-50).

On the other hand, parties *shall not* serve and file a notice of application or any affidavits in support of an application prior to the JCC. The added cost, delay and conflict often associated with the preparation and service of such documents may become unnecessary depending on the direction provided by the judge at the JCC.

**How will I know what to do after the JCC?**

The JCC judge will make an oral decision at the conclusion of the JCC. The clerk will ensure that the judge’s decision is endorsed on the file and that a copy is sent to the parties. This will serve as your guide to the next steps in the proceeding.

For example, if there are unresolved prerequisites or procedural orders to be complied with, the judge may make an order that must be complied with and set a further JCC to monitor that compliance. If the matter is ready to proceed, the JCC judge may schedule a chambers hearing or direct that the matter proceed to a pre-trial settlement conference.



**When do I need to file a Certificate of Compliance?**

If you file an application on a matter to which the practice directive applies, you must also file a Certificate of Compliance in Form FAM-PD No. 7-1 confirming that the court has given you leave to proceed, or alternatively confirming that the application is exempt from the JCC process.

**What happens if I try to file an application without a Certificate of Compliance ?**

If you file an application on a matter to which the practice directive applies, but do not file a Certificate of Compliance in Form FAM-PD No. 7-1, the registry office will reject the application. The matter will not be added to the chambers list or directed to a judge. The documents will either be returned or destroyed. A party who has had their application rejected is responsible for notifying any opposing party who was served with the application that it was rejected by the registry office. Costs may be ordered against a party who fails to do so.

**Will the JCC add delays and/or costs to the Court process?**

The purpose of the JCC is to streamline the court process and reduce court costs. Some of the ways in which the JCC achieves this purpose are:

1. Many procedural issues can be dealt with without the costs and/or time associated with drafting a formal application, affidavit(s), and other supporting documentation. For instance, the JCC judge may impose deadlines on the filing of certain documents and adjourn the JCC to monitor compliance.
2. By meeting with the parties early in the process, it may be possible to narrow the legal issues in dispute. The parties may not be in full agreement at a JCC, but they may agree on one or more issues, negating the need to litigate these issues. This reduces both the number of applications and the length of affidavit(s) filed for the issues requiring adjudication.

Allegations made in affidavits can unnecessarily increase conflict between the parties. This increased conflict can prolong the time and/or cost to resolve legal issues.

3. While a JCC judge will not make substantive orders at the JCC without consent of the parties, the judge may provide comments to the parties about the relief being sought that assists them in resolving their legal issues. The JCC judge may also raise issues respecting the court's jurisdiction or redirect the parties to a process that eliminates the need for a costly chambers hearing.
4. Under the current procedure, a chambers application is rarely ruled upon on the first chambers hearing date. Adjournments often occur due to one or more of the parties being unprepared for the application to proceed. The JCC process is intended to reduce the number of adjournments.

**Additional Resources**

For additional family law resources and information, please contact PLEA at <https://www.plea.org/> or the Family Law Information Centre at 1-888-218-2822 or [familylaw@gov.sk.ca](mailto:familylaw@gov.sk.ca).

**INFORMATION NOTE**

Family Practice Directive No. 7 can be found at the following link: <https://sasklawcourts.ca/kings-bench/rules-practice-directives/>. Family Practice Directive No. 7 and the Guide to Judicial Case Conferences are also available in the Registrar's Offices in Saskatoon and Regina.

*The King's Bench Rules* can be found at the following link: <https://sasklawcourts.ca/queens-bench/rules-practice-directives/>.

If you have questions or require information about the JCC process, or wish to adjourn the JCC with the consent of all parties, please contact the Family Law Screening Officer in the appropriate judicial centre:

| <b>Saskatoon</b>  | <b>Regina</b>  |
|---|--|
| Brenden Prokopchuk<br>Email: <a href="mailto:brenden.prokopchuk@gov.sk.ca">brenden.prokopchuk@gov.sk.ca</a><br>Phone: 306-933-7303<br>Fax: 306-933-5703 | Carly Sigda-Holyoak<br>Email: <a href="mailto:carly.sigdaholyoak@gov.sk.ca">carly.sigdaholyoak@gov.sk.ca</a><br>Phone: 306-787-5418<br>Fax: 306-787-7217 |

If you have questions or need information about family violence and supports for people experiencing family violence, please contact the Family Law Screening Officer to book an intake assessment.

**APPENDIX B – FORM FAM-PD NO. 7-1**  
(Family Practice Directive No. 7)

COURT FILE NUMBER \_\_\_\_\_

COURT OF KING'S BENCH FOR SASKATCHEWAN  
(FAMILY LAW DIVISION)

JUDICIAL CENTRE \_\_\_\_\_

PETITIONER \_\_\_\_\_

RESPONDENT \_\_\_\_\_

**CERTIFICATE OF COMPLIANCE WITH PRACTICE DIRECTIVE NO. 7**  
(PARTICIPATION IN A JUDICIAL CASE CONFERENCE)

I, \_\_\_\_\_, a party to this family law proceeding, seek to file the appended application to be heard in chambers on the \_\_\_\_\_ day of \_\_\_\_\_, 2 \_\_\_\_\_.

I am aware of Family Practice Directive No. 7 and certify as follows:

- ☐ A court order was granted by Justice \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 2 \_\_\_\_\_ :
- ☐ allowing this application to be made without the requirement to attend a Judicial Case Conference; or
- ☐ granting leave following a Judicial Case Conference to proceed in Chambers on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

*or*

- ☐ The Application falls under one or more of the exemptions outlined in Family Practice Directive No. 7. The exemption(s) for which this application falls under is(are):
- ☐ The application is an exempt application without notice.
- ☐ The application is for judgment in an uncontested matter brought pursuant to Rule 15-42 and the process outlined in Part 15, Division 6, Subdivision 1 of *The King's Bench Rules*.
- ☐ The application is the document commencing the proceeding. This includes an application for corollary relief in Form 15-24 or an application for variation of a final order in Form 15-26.

DATED at \_\_\_\_\_, Saskatchewan, this \_\_\_\_\_ day  
of \_\_\_\_\_, 2 \_\_\_\_\_.

\_\_\_\_\_  
(signature of party or party's lawyer)

\_\_\_\_\_  
(print name of party or party's lawyer)

**CONTACT INFORMATION AND ADDRESS FOR SERVICE****If prepared by a lawyer for the party:**

Name of firm: \_\_\_\_\_

Name of lawyer in charge of file: \_\_\_\_\_

Address of legal firms: \_\_\_\_\_

*(set out the street address)*

Telephone number: \_\_\_\_\_

Fax number *(if any)*: \_\_\_\_\_E-mail address *(if any)*: \_\_\_\_\_*or***If the party is self-represented:**

Name of party: \_\_\_\_\_

Address for service: \_\_\_\_\_

*(set out the street address)*

Telephone number: \_\_\_\_\_

Fax number *(if any)*: \_\_\_\_\_E-mail address *(if any)*: \_\_\_\_\_

**APPENDIX C – FORM FAM-PD NO. 7-2**

(Family Practice Directive No. 7)

COURT FILE NUMBER \_\_\_\_\_

COURT OF KING'S BENCH FOR SASKATCHEWAN  
(FAMILY LAW DIVISION)

JUDICIAL CENTRE \_\_\_\_\_

PETITIONER \_\_\_\_\_

RESPONDENT \_\_\_\_\_

**REQUEST FOR A JUDICIAL CASE CONFERENCE***(FAMILY LAW PROCEEDING)*

1. This Request is made by: \_\_\_\_\_ (*name /petitioner/respondent*) and is:

- ☐ an initiating request for a Judicial Case Conference;  
☐ a response to a request for a Judicial Case Conference that was served on me; and:  
☐ no Judicial Case Conference date has been scheduled yet; or  
☐ a Judicial Case Conference has been scheduled for \_\_\_\_\_

2. I understand that before a matter can be scheduled for a chambers hearing, the parties must participate in a judicial case conference. I intend to apply to the court for relief and request that the court schedule a judicial case conference in this matter.

3. I intend to apply to the Court for the following relief/remedy: (*Identify the relief being sought along with whether that relief is procedural, substantive, interim, final or a variation of an interim or final order.*)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

A draft order/judgment setting out the precise relief or remedy sought is attached.

4. I am asking that a judicial case conference be set on an expedited basis as the relief is time sensitive in nature:

☐ NO ☐ YES If yes, explain:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. A brief summary of the factual basis for the relief being sought is as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. The legal grounds for seeking this relief/remedy are as follows: *(Set out the statutory provision, rule, order or other legal basis on which the applicant(s) relies to justify the relief being sought.)*

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7. The opposing party is \_\_\_\_\_ *(petitioner/respondent)*.

- ☐ the opposing party was served with a copy of this Request at least three days before it was filed with the court. Attached is proof of service on the opposing party; or
- ☐ the opposing party has not been served with a copy of this Notice and draft order for the following reason(s):

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8. The following efforts have been made to resolve these issues out of court:

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9. The following relief is consented to by the opposing party: *(Identify the relief that you anticipate the opposing party will consent to.)*

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10. Pleadings are closed: *(See Rule 15-13)*

☐ YES ☐ NO *If no, explain:*

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11. If a claim has been made for child or spousal support, has a sworn Financial Statement in Form 15-47 been filed? *(See Rules 15-47 and 15-48 respecting when a financial statement is required.)*

☐ YES ☐ NO *If no, explain:*

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12. If a claim has been made for property, has a sworn Property Statement in Form 15-49 been filed? (See Rules 15-49 and 15-50 respecting when a property statement is required.)

☐ YES ☐ NO If no, explain:

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13. If a claim has been made for parenting or child support, the parties have attended the Parenting After Separation course within the last 24 months:

Petitioner ☐ YES ☐ NO

Respondent ☐ YES ☐ NO

14. The parties have complied with the family dispute resolution requirements pursuant to s.7-4 of *The King's Bench Act*, SS 2023, c 28?

☐ YES ☐ NO

If no, why not?

---

If you are seeking an exemption, what is the basis of your request:

- 
15. The following is a summary of other related proceedings and applications pending in this action:

- (a) Other case conferences pending:

☐ none

☐ returnable on \_\_\_\_\_

- (b) Chambers applications pending:

☐ none

☐ returnable on \_\_\_\_\_

☐ reserved on \_\_\_\_\_ by Justice \_\_\_\_\_

- (c) Pre-trial: ☐ Not scheduled ☐ Scheduled for: \_\_\_\_\_

- (d) Trial: ☐ Not scheduled ☐ Scheduled for: \_\_\_\_\_

- (e) Are there any other legal proceedings (including criminal, family, family or interpersonal violence, and/or Child and Family Services) involving these parties in any other Court?

☐ none

☐ yes (provide particulars):

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16. I understand that once a date is set for a judicial case conference, the court will send me a Notice of Judicial Case Conference that I will be required to serve on the opposing party prior to the date set for the judicial case conference.
17. I understand that if I am represented by a lawyer, my lawyer can attend the judicial case conference on my behalf unless I am ordered by the judge to be personally present. If I am self-represented, I will be required to attend the judicial case conference in person unless leave to participate by phone is granted in advance.
18. Judicial case conferences are scheduled on Thursdays in the afternoon and Fridays in the mornings and afternoons. I am available to participate in a judicial case conference on:
- ☐ Any date set by the court; or
- ☐ First choice: \_\_\_\_\_
- ☐ Second choice: \_\_\_\_\_
19. The address where the court can provide me with the Notice of Judicial Case Conference (address for service) is as follows:
- (a) Where represented by a lawyer:
- Name of firm: \_\_\_\_\_
- Name of lawyer in charge of file: \_\_\_\_\_
- Address of legal firms: \_\_\_\_\_  
(set out the street address)
- Telephone number: \_\_\_\_\_
- Fax number (if any): \_\_\_\_\_
- E-mail address (if any): \_\_\_\_\_
- or
- (b) Where party is self-represented:
- Name of party: \_\_\_\_\_
- Address for service: \_\_\_\_\_  
(set out the street address)
- Telephone number: \_\_\_\_\_
- Fax number (if any): \_\_\_\_\_
- E-mail address (if any): \_\_\_\_\_

DATED at \_\_\_\_\_, Saskatchewan, this \_\_\_\_\_ day  
of \_\_\_\_\_, 2 \_\_\_\_\_.

\_\_\_\_\_  
(signature of petitioner or respondent)

\_\_\_\_\_  
(print name of party)



**INFORMATION NOTE**

If you have been served with a Request for a Judicial Case Conference, consult Family Practice Directive No. 7, which sets out the process for Judicial Case Conferences [JCC] and sets out your rights and obligations. Family Practice Directive No. 7 can be found at the following link: <https://sasklawcourts.ca/kings-bench/rules-practice-directives/>. Additional information on JCCs can be found in the Guide to Judicial Case Conferences at the following link: <https://sasklawcourts.ca/kings-bench/rules-practice-directives/>. Family Practice Directive No. 7 and the Guide to Judicial Case Conferences are also available in the Registrar's Offices in Saskatoon and Regina.

At least two days prior to the JCC, you are required to serve and file a Judicial Case Conference Appearance Memo in the form prescribed by Family Practice Directive No. 7.

If you have questions or require information about the JCC process, or wish to adjourn the JCC with the consent of all parties, please contact the Family Law Screening Officer in the appropriate judicial centre:

| <b>Saskatoon</b>  | <b>Regina</b>  |
|---|--|
| Brenden Prokopchuk<br>Email: <a href="mailto:brenden.prokopchuk@gov.sk.ca">brenden.prokopchuk@gov.sk.ca</a><br>Phone: 306-933-7303<br>Fax: 306-933-5703 | Carly Sigda-Holyoak<br>Email: <a href="mailto:carly.sigdaholyoak@gov.sk.ca">carly.sigdaholyoak@gov.sk.ca</a><br>Phone: 306-787-5418<br>Fax: 306-787-7217 |

If you have questions or need information about family violence and supports for people experiencing family violence, please contact the Family Law Screening Officer to book an intake assessment.

**APPENDIX D – FORM FAM-PD NO. 7-3**

(Family Practice Directive No. 7)

COURT FILE NUMBER \_\_\_\_\_

COURT OF KING'S BENCH FOR SASKATCHEWAN  
(FAMILY LAW DIVISION)

JUDICIAL CENTRE \_\_\_\_\_

PETITIONER \_\_\_\_\_

RESPONDENT \_\_\_\_\_

**JOINT REQUEST FOR A JUDICIAL CASE CONFERENCE***(FAMILY LAW PROCEEDING)*

1. This Joint Request for a Judicial Case Conference is made by: \_\_\_\_\_

\_\_\_\_\_ *(name /petitioner/respondent)* jointly. We

understand that before a matter can be scheduled for a chambers hearing, the parties must participate in a judicial case conference [JCC] pursuant to Family Practice Directive No. 7 and request that a JCC be scheduled by the court in this matter.

2. \_\_\_\_\_ *(petitioner/respondent)* intends to apply to the Court for the following relief/remedy: *(Identify the relief being sought along with whether that relief is procedural, substantive, interim, final or a variation of an interim or final order.)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

A draft order/judgment setting out the precise relief or remedy sought is attached.

3. The parties ask that a JCC be set on an expedited basis as the relief is time sensitive in nature:

☐ NO ☐ YES If yes, explain:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. The legal grounds for seeking this relief/remedy are as follows: *(Set out the statutory provision, rule, order or other legal basis on which the applicant(s) relies to justify the relief being sought.)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. A brief summary of the factual basis for the relief being sought is as follows:

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---

---

6. The following efforts have been made to resolve these issues out of court:

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---

---

7. The following relief is consented to: *(Identify the relief that you anticipate the opposing party will consent to.)*

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---

---

8. Pleadings are closed: *(See Rule 15-13)*

☐ YES ☐ NO If no, explain: \_\_\_\_\_

9. If a claim has been made for child or spousal support, has a sworn Financial Statement in Form 15-47 been filed? *(See Rules 15-47 and 15-48 respecting when a financial statement is required.)*

Petitioner ☐ YES ☐ NO If no, explain: \_\_\_\_\_

Respondent ☐ YES ☐ NO If no, explain: \_\_\_\_\_

10. If a claim has been made for property, has a sworn Property Statement in Form 15-49 been filed? *(See Rules 15-49 and 15-50 respecting when a property statement is required.)*

Petitioner ☐ YES ☐ NO If no, explain: \_\_\_\_\_

Respondent ☐ YES ☐ NO If no, explain: \_\_\_\_\_

11. If a claim has been made for parenting or child support, the parties have attended the parenting education program pursuant to s.7-4 of *The King's Bench Act*, SS 2023, c 28 within the last 24 months:

Petitioner ☐ YES ☐ NO If no, explain: \_\_\_\_\_

Respondent ☐ YES ☐ NO If no, explain: \_\_\_\_\_

12. The parties have complied with the mandatory dispute resolution requirements pursuant to s.7-4 of *The King's Bench Act*, SS 2023, c 28?

☐ YES ☐ NO

If no, why not? \_\_\_\_\_

If an exemption is being sought, what is the basis of that request:

---

13. The following is a summary of other related proceedings and applications pending in this action:

(a) Other case conferences pending:

- ☐ none  
☐ returnable on \_\_\_\_\_

(b) Chambers applications pending:

- ☐ none  
☐ returnable on \_\_\_\_\_  
☐ reserved on \_\_\_\_\_ by Justice \_\_\_\_\_

(c) Pre-trial: ☐ Not scheduled ☐ Scheduled for: \_\_\_\_\_

(d) Trial: ☐ Not scheduled ☐ Scheduled for: \_\_\_\_\_

(e) Are there any other legal proceedings (including criminal, family, family or interpersonal violence, and/or Child and Family Services) involving these parties in any other Court?

- ☐ none  
☐ yes (provide particulars):  
\_\_\_\_\_

14. We understand that if a JCC is set by the court, the court will send each of us a Notice of Judicial Case Conference.

15. We understand that if we are represented by a lawyer(s), our lawyer(s) can attend the JCC on our behalf unless we are ordered by a judge to be personally present. If we are self-represented, we are required to attend the JCC in person unless leave to participate by phone is granted in advance.

16. JCCs are scheduled on Thursdays in the afternoons and Fridays in the mornings and afternoons. We are available to participate in a JCC on:

- ☐ Any date set by the court; or  
☐ First choice: \_\_\_\_\_  
☐ Second choice: \_\_\_\_\_

14. The address where the court can provide the petitioner with the Notice of Judicial Case Conference (address for service) is as follows:

(a) Where lawyer:

Name of firm: \_\_\_\_\_

Name of lawyer in charge of file: \_\_\_\_\_

Address of legal firms: \_\_\_\_\_

*(set out the street address)*

Telephone number: \_\_\_\_\_

Fax number *(if any)*: \_\_\_\_\_

E-mail address *(if any)*: \_\_\_\_\_

*or*

(b) Where party is self-represented:

Name of party: \_\_\_\_\_

Address for service: \_\_\_\_\_  
(set out the street address)

Telephone number: \_\_\_\_\_

Fax number (if any): \_\_\_\_\_

E-mail address (if any): \_\_\_\_\_

15. The address where the court can provide the respondent with the Notice of Judicial Case Conference (address for service) is as follows:

(a) Where lawyer:

Name of firm: \_\_\_\_\_

Name of lawyer in charge of file: \_\_\_\_\_

Address of legal firms: \_\_\_\_\_  
(set out the street address)

Telephone number: \_\_\_\_\_

Fax number (if any): \_\_\_\_\_

E-mail address (if any): \_\_\_\_\_

or

(b) Where party is self-represented:

Name of party: \_\_\_\_\_

Address for service: \_\_\_\_\_  
(set out the street address)

Telephone number: \_\_\_\_\_

Fax number (if any): \_\_\_\_\_

E-mail address (if any): \_\_\_\_\_

DATED at \_\_\_\_\_, Saskatchewan, this \_\_\_\_\_ day  
of \_\_\_\_\_, 2 \_\_\_\_\_.

\_\_\_\_\_  
(signature of petitioner)

\_\_\_\_\_  
(print name of party)

DATED at \_\_\_\_\_, Saskatchewan, this \_\_\_\_\_ day  
of \_\_\_\_\_, 2 \_\_\_\_\_.

\_\_\_\_\_  
(signature of respondent)

\_\_\_\_\_  
(print name of party)

**INFORMATION NOTE**

The process for Judicial Case Conferences [JCC] in the Regina and Saskatoon Judicial Centres is set out in Family Practice Directive No. 7, which can be found at the following link: <https://sasklawcourts.ca/kings-bench/rules-practice-directives/>. Additional information on JCCs can be found in the Guide to Judicial Case Conferences at the following link: <https://sasklawcourts.ca/kings-bench/rules-practice-directives/>. Family Practice Directive No. 7 and the Guide to Judicial Case Conferences are also available in the Registrar's Offices in Saskatoon and Regina.

At least two days prior to the JCC, parties are required to serve and file a Judicial Case Conference Appearance Memo in the form prescribed by Family Practice Directive No. 7.

If you have questions or require information about the JCC process, or wish to adjourn the JCC with the consent of all parties, please contact the Family Law Screening Officer in the appropriate judicial centre:

| <b>Saskatoon</b>  | <b>Regina</b>  |
|---|--|
| Brenden Prokopchuk<br>Email: <a href="mailto:brenden.prokopchuk@gov.sk.ca">brenden.prokopchuk@gov.sk.ca</a><br>Phone: 306-933-7303<br>Fax: 306-933-5703 | Carly Sigda-Holyoak<br>Email: <a href="mailto:carly.sigdaholyoak@gov.sk.ca">carly.sigdaholyoak@gov.sk.ca</a><br>Phone: 306-787-5418<br>Fax: 306-787-7217 |

If you have questions or need information about family violence and supports for people experiencing family violence, please contact the Family Law Screening Officer to book an intake assessment.

**APPENDIX E – FORM FAM-PD NO. 7-4**

(Family Practice Directive No. 7)

COURT FILE NUMBER \_\_\_\_\_

COURT OF KING'S BENCH FOR SASKATCHEWAN  
(FAMILY LAW DIVISION)

JUDICIAL CENTRE \_\_\_\_\_

PETITIONER \_\_\_\_\_

RESPONDENT \_\_\_\_\_

**NOTICE OF JUDICIAL CASE CONFERENCE***(FAMILY LAW PROCEEDING)*

TAKE NOTICE THAT a Judicial Case Conference [JCC] will be held at the following place, date and time:

|                         |  |
|-------------------------|--|
| Address of court house: |  |
| Date: (dd/mm/yyyy):     |  |
| Time:                   |  |

This notice is being provided in response to a Request for a Judicial Case Conference filed by \_\_\_\_\_ on \_\_\_\_\_.

Pursuant to the order of the Honourable Justice \_\_\_\_\_, this notice shall be served on the opposing party:

- ☐ at least seven (7) days prior to the date of the Judicial Case Conference; or
- ☐ at least \_\_\_\_\_ days prior to the date of the Judicial Case Conference.

**AND FURTHER TAKE NOTICE:**

1. Attendance is mandatory:
  - (a) The parties are required to attend the JCC at the court house on the date and time identified. When a party is represented by a lawyer, the lawyer can attend on the party's behalf, although the judge may require the parties to be present. If a party is not represented by a lawyer, the party is required to attend in person at the court house. Parties or their lawyers may request leave to appear by phone by contacting the Family Law Screening Officer at the appropriate judicial centre at least one (1) day prior to the date set for the JCC.
  - (b) If you are the party requesting the JCC and you fail to attend, the presiding judge may direct that no further case conference be scheduled without renewing your request or may make an order in your absence. Costs may also be awarded against you.
  - (c) If you are the opposing party and you fail to attend, the presiding judge may make an order in your absence. Costs may also be awarded against you.

- (d) If all parties consent to adjourn the JCC, you shall contact the Family Law Screening Officer to arrange for another date and time to be set at least one (1) day prior to the date set for the JCC.
  - (e) If you want to adjourn the JCC but the other party will not agree, you should advise the court that you wish to seek an adjournment in your Judicial Case Conference Memo in form FAM PD #7-5 and be prepared to speak to the issue at the start of the case conference.
2. Materials to be filed:
- (a) All parties shall serve and file a Judicial Case Conference Appearance Memo in form FAM PD No. 7-5 at least two (2) days prior to the date scheduled for the JCC.
  - (b) The parties shall not serve or file a notice of application or affidavit in support of an application prior to the JCC.
3. What to expect at the JCC:
- (a) There will be a number of matters set at the prescribed time. These matters will proceed in the order directed by the presiding judge.
  - (b) At the case conference, the participants may consider:
    - (i) compliance with Part 15 of *The King's Bench Rules* respecting disclosure or otherwise;
    - (ii) dispute resolution possibilities, the process for them and how they can be facilitated;
    - (iii) simplification or clarification of a claim, a pleading, a question, an issue, an application or a proceeding;
    - (iv) setting or adjusting dates by which a stage or a step in the action is expected to be complete;
    - (v) case management by a judge;
    - (vi) practice, procedural or other issues or questions and how to resolve them;
    - (vii) any other matter that may aid in the resolution or facilitate the resolution of a claim, application or proceeding or otherwise meet the purpose and intention of the rules described in Rule 15-3.
  - (c) The presiding judge may:
    - (i) make a procedural order;
    - (ii) make a substantive order with the consent of the parties;
    - (iii) schedule another JCC;
    - (iv) set the date and time for a chambers hearing including identifying the issues in dispute, setting filing deadlines and providing direction on the supporting affidavit materials or other evidence to be filed and setting time limits on oral arguments; and/or
    - (v) direct that the local registrar schedule a pre-trial settlement conference or trial.



4. The presiding judge will make an endorsement on the file at the conclusion of the JCC. A copy of the endorsement will be sent to the parties at the address for service identified in the Judicial Case Conference Appearance Memo filed by each party. The endorsement will include any orders made by the presiding judge at the case conference.

DATED at \_\_\_\_\_, Saskatchewan, this \_\_\_\_\_ day  
of \_\_\_\_\_, 2 \_\_\_\_\_.

\_\_\_\_\_  
(signed by DRL/Screening Officer)

#### INFORMATION NOTE

The process for Judicial Case Conferences [JCC] in the Regina and Saskatoon Judicial Centres is set out in Family Practice Directive No. 7, which can be found at the following link: <https://sasklawcourts.ca/kings-bench/rules-practice-directives/>. Additional information on JCCs can be found in the Guide to Judicial Case Conferences at the following link: <https://sasklawcourts.ca/kings-bench/rules-practice-directives/>. Family Practice Directive No. 7 and the Guide to Judicial Case Conferences are also available in the Registrar's Offices in Saskatoon and Regina.

If you have questions or require information about the JCC process, or wish to adjourn the JCC with the consent of all parties, please contact the Family Law Screening Officer in the appropriate judicial centre:

| Saskatoon   | Regina   |
|---|--|
| Brenden Prokopchuk<br>Email: <a href="mailto:brenden.prokopchuk@gov.sk.ca">brenden.prokopchuk@gov.sk.ca</a><br>Phone: 306-933-7303<br>Fax: 306-933-5703 | Carly Sigda-Holyoak<br>Email: <a href="mailto:carly.sigdaholyoak@gov.sk.ca">carly.sigdaholyoak@gov.sk.ca</a><br>Phone: 306-787-5418<br>Fax: 306-787-7217 |

If you have questions or need information about family violence and supports for people experiencing family violence, please contact the Family Law Screening Officer to book an intake assessment.

**APPENDIX F – FAM-PD NO. 7-5**

(Family Practice Directive No. 7)

COURT FILE NUMBER \_\_\_\_\_

COURT OF KING'S BENCH FOR SASKATCHEWAN  
(FAMILY LAW DIVISION)

JUDICIAL CENTRE \_\_\_\_\_

PETITIONER(S) \_\_\_\_\_

RESPONDENT(S) \_\_\_\_\_

**JUDICIAL CASE CONFERENCE APPEARANCE MEMO***(FAMILY LAW PROCEEDINGS)*

For a Judicial Case Conference scheduled on: \_\_\_\_\_

at \_\_\_\_\_.

## 1. Participants:

(a) This Memo is filed on behalf of: \_\_\_\_\_

\_\_\_\_\_.

(b) The other party/parties and counsel are:

(i) \_\_\_\_\_

(ii) \_\_\_\_\_

(iii) \_\_\_\_\_

2. The *(petitioner/respondent)* intends to apply for the relief described in the Request for a Judicial Case Conference dated \_\_\_\_\_ and the draft order filed on \_\_\_\_\_.3. A description of the position that being advanced by the party filing this Memo respecting readiness to proceed is: *(Identify whether you are seeking an adjournment, seeking leave to file further materials, opposing an adjournment, etc.):*\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. A concise summary of the legal aspects of the substantive position of the party filing this Memo is: \_\_\_\_\_

\_\_\_\_\_

5. The following relief is consented to/unopposed:

(1) \_\_\_\_\_  
(describe consented to relief)

(2) \_\_\_\_\_  
(describe consented to relief)

6. Other proceedings and applications:

(a) The following is a summary of other applications and matters pending in this action:

(i) Other case conferences pending:

☐ none

☐ returnable on \_\_\_\_\_

(ii) Chambers applications pending:

☐ none

☐ returnable on \_\_\_\_\_

☐ reserved on \_\_\_\_\_ by Justice \_\_\_\_\_

(iii) Pre-trial: ☐ Not scheduled ☐ Scheduled for: \_\_\_\_\_

(iv) Trial: ☐ Not scheduled ☐ Scheduled for: \_\_\_\_\_

(b) The following is a summary of any other relevant or related proceedings (including criminal, family, domestic violence, and/or Child and Family Services):

\_\_\_\_\_  
\_\_\_\_\_

7. This is the:

☐ first Memo filed respecting this Request for a Judicial Case Conference;

or

☐ updated Memo filed by the (*petitioner/respondent*) in respect of this Request for a Judicial Case Conference, and:

☐ the changes in circumstances and/or position being advanced since the filing of the last Memo are:

\_\_\_\_\_  
(describe changes in point form)

or

☐ there is no change in circumstances and/or position being advanced since the last Memo was filed.

DATED at \_\_\_\_\_, Saskatchewan, this \_\_\_\_\_ day  
of \_\_\_\_\_, 2 \_\_\_\_\_.

\_\_\_\_\_  
(signature of party or party's lawyer)

\_\_\_\_\_  
(signature of party or party's lawyer)

**CONTACT INFORMATION AND ADDRESS FOR SERVICE**

Name of party or party's lawyer: \_\_\_\_\_

Address: \_\_\_\_\_  
(set out the street address)

Telephone number: \_\_\_\_\_

Fax number (*if any*): \_\_\_\_\_E-mail address (*if any*): \_\_\_\_\_

New. Gaz. 28 Oct. 2022.