

October 4, 2012

NOTICE TO MEMBERS OF THE BAR OF LAVAL

Practice Chamber

This aim of this notice is to update and consolidate the administrative directives in effect for the Practice Chamber on Tuesdays.

Courtroom 2.02

From 8:30 a.m. to 9 a.m. in Courtroom 2.03, the special clerk receives applications to transfer cases.

At 9 a.m., the special clerk calls the roll in civil matters and then proceeds to rule on matters under the special clerk's authority (Article 44.1 *C.C.P.*).

Courtroom 2.03

The judge calls the roll of contested cases in civil and family matters for which a date has been fixed and refers them with priority, in the order in which they appear on the roll, to the two judges sitting in support.

Please note that hearings for such cases may not exceed three (3) hours.

The judge then hears non-contested applications, such as extensions of interim measures, case management notices, orders for expert psychosocial assessment, appointments of attorneys for children, and short representations.

If, at around 11 a.m., there remains a contested case that has not been referred, the judge in Courtroom 2.03 hears the case; as a result, applications for interim orders will be dealt with later, depending on the availability of the judges sitting in Courtrooms 2.03, 2.04 and 2.05.

Please note that application for interim orders will henceforth be dealt with in the order in which they arrive in Courtroom 2.03.

Courtroom 2.04

The judge sits in Courtroom 2.04 in civil matters.

The judge first hears non-contested applications for the extension of a time limit, non-contested cases, and applications for an injunction.

The judge then hears cases referred by the judge responsible for Courtroom 2.03.

Last, the judge hears contested application in civil matters referred by the special clerk in Courtroom 2.02.

Courtroom 2.05 and other courtrooms

The judge(s) hear(s) the cases referred by the judge responsible for Courtroom 2.03.

Priority cases for the calling of the provisional roll

Please note that the directive of Associate Chief Justice André Wery dated December 2, 2011 and appended to this Notice applies to all districts of the Superior Court in the Division of Montréal and, as a result, to the district of Laval.

Divorce cases proceeding by default

You must obtain a date from the clerk's office before presenting a case; as a result, you cannot present a case directly in the Practice Chamber on Tuesdays.

Please note that the dates suggested will all be in the near future.

Agreements

In matrimonial cases, it is important to specify, in the agreement, the amount of the support payment indicated on the form. It is not sufficient to write that the parent required to pay support will pay child support in accordance with the form.

In such a case, the collector of support payments cannot execute the agreement.

Case management notices

Once a joint declaration that the file is complete has been produced by the parties and the case has been declared ready to be heard, the parties may present a case management notice on Tuesdays in Courtroom 2.03 and the judge responsible will communicate with the Master of the Rolls to ascertain the dates available and fix a date for the hearing. It is not necessary to wait until the next calling of the provisional roll to have a date fixed for the hearing.

Out-of-court settlements

You must inform the Master of the Rolls if an out-of-court settlement is reached, to allow a date to be fixed for another case on the roll. This can be done by sending an E-mail to: nicole.duchesne@justice.gouv.qc.ca

Notices to Members of the Bar

Please note that notices to members of the Bar issued by the Chief Justice François Rolland and the Associate Chief Justice André Wery apply to all the districts in the Montréal appeal division.

Any such notices or directives apply to the district of Laval as soon as they come into effect.

Michel Déziel, j.s.c.
Coordinating judge for the district of Laval