



## **NOTICE TO THE PROFESSION AND PUBLIC**

### **ENFORCEMENT OF MANDATORY ALTERNATIVE DISPUTE RESOLUTION RULES 8.4(3)(a) and 8.5(1)(a)**

Effective September 1, 2019, the Court will commence a one-year pilot project to lift the suspension of the enforcement of Rules 8.4(3)(a) and 8.5(1)(a) of the *Alberta Rules of Court* (“the Mandatory ADR Rules”). Notice to Profession NP 2013-01, which suspended the enforcement of the Mandatory ADR Rules, is hereby repealed, effective August 31, 2019.

#### **Enforcement of the Mandatory ADR Rules**

The Mandatory ADR Rules will be enforced for all civil and family law actions scheduled after September 1, 2019.

In order to book a Judicial Dispute Resolution (“JDR”) for a civil action during the pilot period, parties will be required to complete an amended version of Forms 37 or 38 which will state, in place of paragraph 5(a) of Form 37 or paragraph 2 of Form 38, that the parties “will participate in at least one of the dispute resolution processes described in R. 4.16(1) to be completed prior to trial.” The filing fee will continue to apply. Parties who resolve their action can request reimbursement from the QB Clerk’s office of the portion of the fee paid over and above the basic \$600.

#### **Exemption from Form 37 and Form 38 Requirement for Family Law Actions**

Family law actions will be exempt from filing Form 37 or 38 as a condition for accessing a JDR.

#### **Exemption from the Enforcement of the Mandatory ADR Rules**

Parties may apply under Rule 4.16(2) for an exemption from the requirement of conducting an ADR or JDR. In order to facilitate the adjudication of applications for exemptions, the Court is instituting a system of desk applications. A template form of Notice of Application and Notice of Response are posted to the Court’s website at <https://www.albertacourts.ca/qb/areas-of->

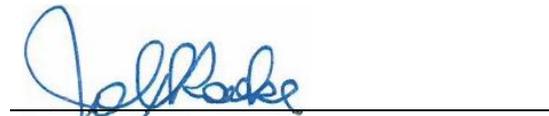
[law/civil/forms](#). The Application must be served on all parties to the proceeding and must be accompanied by an Affidavit setting out the factual basis for the request for the exemption. In the event that an application for an exemption is brought, all other parties to the proceeding are required to file and serve a Response within 10 days from the date of service of the Application, indicating whether the responding party consents to the application or opposes it. In making the Application for an Exemption, or the Response to the Application, proof of service will be required. Parties opposing the Application are required to file and serve a supporting Affidavit. In addition to filing the Notice of Application and Notice of Response and supporting Affidavits, parties are directed to email these materials, on the date of filing to the email address at: [adexemptions.qb@albertacourts.ca](mailto:adexemptions.qb@albertacourts.ca).

The Justice reviewing the desk application may direct that the application for an exemption be heard in Civil or Family Law Chambers, as the case may be.



---

Mary T. Moreau, Chief Justice



---

John D. Rooke, Associate Chief Justice



---

Kenneth G. Nielsen, Associate Chief Justice