



## **COURT OF QUEEN'S BENCH OF ALBERTA**

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

#### **ESTATE LITIGATION EARLY INTERVENTION PILOT PROJECT**

The Court of Queen's Bench of Alberta will initiate a pilot project intended to facilitate the orderly conduct and early resolution of litigation in estate matters. Initially, this project will only be undertaken in the Edmonton and Calgary Judicial Centres and will apply to estates in respect of which a Form C1 or a Statement of Claim is filed after December 31, 2019.

The pilot project involves the following elements:

- A one-hour case conference before a Justice will be available to parties who have filed a Form C1 or a Statement of Claim relating to an estate.
- Parties requesting a case conference must submit their request in writing to the Court Coordinator in Calgary or Edmonton, as applicable. It is sufficient if this request is sent by letter by one of the parties, provided all parties receive a copy of the letter.
- The request should provide a brief summary identifying the parties and the issues and providing the mutual available dates of all parties and their counsel for the case conference.
- If all parties consent to the request, the Court Coordinator will proceed to schedule the case conference. If consent of all parties has not been obtained, the Court Coordinator will place the request on the hearing list for upcoming Adult Guardianship and Trustee Act Applications (Represented Adult Chambers). Parties who oppose the request for a case conference must attend that hearing, either in person or by counsel. A party consenting to the request for a case conference need not attend, provided at least one party consenting to the case conference attends, either in person or by counsel, and has been authorized by any other party consenting but not attending to make representations on their behalf regarding the holding of a case conference. Any parties who reside outside of Calgary or Edmonton, as the case may be, may arrange to participate by telephone.
- The presiding Represented Adult Chambers Justice will decide if a case conference is warranted. Matters which the presiding Justice directs to a case conference will be heard

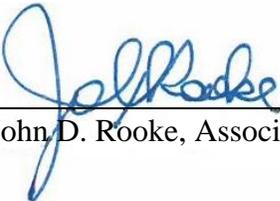
on a date scheduled by that Justice for the conduct of Estate Litigation Early Intervention Case Conferences.

- The parties will be at liberty to take additional steps in the litigation prior to the appearance in Represented Adult Chambers or at the case conference. If, after a Form C1 or Statement of Claim is filed, additional filings are undertaken, the parties must ensure that copies of all such filed material are delivered to the Justice assigned to conduct the case conference no later than noon on the Friday before the week in which the case conference will be held.
- The case conference will seek to:
  1. Clarify the issues requiring resolution;
  2. Explore the possibilities for a non-Court imposed resolution;
  3. Identify the appropriate forum (special application, summary trial or regular trial) in which to secure a Court imposed resolution if a non-Court imposed resolution is not feasible;
  4. Establish the nature of the evidence which will be provided (affidavit and/or *viva voce* evidence); and
  5. Explore the extent to which counsel have discharged their duty, pursuant to s.4 of the *Wills and Succession Act*, SA 2010 cW-12.2: (a) to discuss with their client alternative methods of resolving the matters that are the subject of the application, and (b) to inform their client of collaborative processes, mediation facilities and other justice services known to the counsel that might assist the parties in resolving these matters.



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Mary T. Moreau, Chief Justice



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John D. Rooke, Associate Chief Justice



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Kenneth G. Nielsen, Associate Chief Justice