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From: Koehle, Leah GCPE:EX
To: Harder, Derrick AG:EX; Milne, Gala ENV:EX; Smith, George AG:EX; Scott, Samantha AG:EX
Cc: Fellinger, Nicole GCPE:EX
Subject: FOR URGENT REVIEW: Update - Amendment to Expert Court Rule Changes
Date: Friday, March 22, 2019 2:07:58 PM
Attachments: 56_2019.pdf
UP - Amendment to Expert Court Rules Changes - 22MAR19 - DRAFT.docx
Importance: High

Good afternoon,

The attached news release update has been approved by James Harvey. I've just received notice that the OIC has been deposited (also attached). I will ask the Corp Cal team to release it this afternoon if possible, unless you think a Monday release would be better.

Also, I've linked to the original news release in this update; please advise if you would also like a link to the Minister's Feb 27 statement on the Rules Committee.

Thank you,

Leah Koehle

Public Affairs Officer

Ministry of Attorney General

Government Communications and Public Engagement

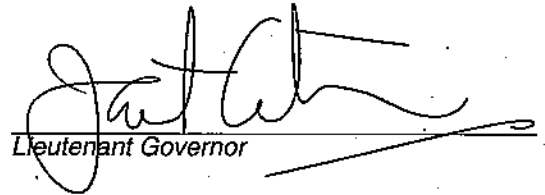
Mobile s.17

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 131

, Approved and Ordered

March 22, 2019


Lieutenant Governor

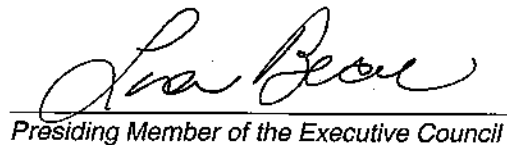
Executive Council Chambers, Victoria

On the recommendation of the undersigned, made after consultation with the Chief Justice of the Supreme Court, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that the Supreme Court Civil Rules, B.C. Reg. 168/2009, are amended as set out in the attached Schedule.

DEPOSITED

March 22, 2019

B.C. REG. 56/2019


Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Court Rules Act, R.S.B.C. 1996, c. 80, s. 1*

Other: *OIC 302/2009*

R10314761

SCHEDULE

- 1** *Rule 11-8 (11) of the Supreme Court Civil Rules, B.C. Reg. 168/2009, is repealed and the following substituted:*

Transition – exceptions for existing vehicle actions

- (11) The following exceptions apply in relation to a vehicle action for which a notice of claim was filed before February 11, 2019:
- (a) the limits set out in subrule (3) do not apply
 - (i) to any report of an expert that was served in accordance with these Supreme Court Civil Rules before February 11, 2019, or
 - (ii) to the vehicle action if the trial date set out in the notice of trial filed in relation to the vehicle action is on or before December 31, 2019;
 - (b) the limits set out in subrule (8) do not apply
 - (i) to amounts that were necessarily or properly incurred for expert opinion evidence before February 11, 2019, or
 - (ii) to the vehicle action in the circumstances referred to in paragraph (a) (ii).

UPDATE

For Immediate Release

Ministry of Attorney General

[release number]

Mar. 22, 2019

Rule change amendments to ease impacts for existing motor vehicle court actions (68)

VICTORIA – Effective immediately, amendments have been made to court rules changes that were originally implemented earlier this year.

On Feb. 11, 2019, David Eby, Attorney General announced changes to the B.C. Supreme Court Civil Rules designed to reduce legal costs and increase efficiency in motor vehicle litigation by limiting the use of adversarial expert evidence and encouraging the use of neutral court-appointed experts and experts shared by the parties. Cabinet approved further amendments to court rules on Mar. 22, 2019, providing an increased transitional period for the implementation of the changes announced in February.

These amendments are meant to minimize the impact of the new court rules on cases before the courts. Rule 11-8(11) exempts parties to a motor vehicle action from the limit on adversarial experts in Rule 11-8(3) if the trial date is on or before Dec. 31, 2019. It also permits those same parties who incurred costs for necessary experts prior to Feb. 11, 2019 to recover those expenses.

Learn more:

Limiting use of experts to reduce costs, delays in motor vehicle disputes:

<https://news.gov.bc.ca/releases/2019AG0009-000208>

Media Contact:

Ministry of Attorney General

778 678-1572

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Tapiador, Almira AG:EX

From: Bindra, Nina AG:EX
Sent: Sunday, November 18, 2018 1:52 PM
To: Gunnarson, Jess AG:EX; Ross, Eva L C AG:EX
Cc: McKenzie, Tarynn AG:EX
Subject: Draft Cover Letter to Rules Committee for Dec. 7 Meeting
Attachments: s.14

Categories: Supreme Court Rules Committee

Hello,

Could you have a look at this cover letter I am drafting to use to send the info re expert rules changes to the Rules Committee and let me know what you think?

Also, Jess/Tarynn, could you please make sure ASAP we have all the correct members (and their email addresses), as well as Ministry staff, listed on the letter so that doesn't slow us down when we're ready to send this out (hopefully end of day Wednesday or early Thursday)?

I am still working on the enclosure and I'll send that one for your review soon too ☺

Thanks!!

Nina Bindra

Barrister & Solicitor | Ministry of Attorney General | Legal Services Branch | Justice and Education Law Group
4F 1001 Douglas St. | Victoria BC | Tel: 250 387-4173 | Fax: 250 356-9264

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From: Kevin Doan [<mailto:kevin@injurylawcentre.com>]
Sent: Sunday, April 7, 2019 7:33 PM

To: Attorney General's Supreme Court Rules Committee AG:EX

Cc: ideas@injurylawcentre.ca

Subject: Proliferation and Bias of Experts

Dear Committee,

Please see attached for your consideration our letter dated April 8, 2019 to your Committee, and our earlier letter dated October 23, 2018 that was sent to the Ontario Committee.

Regards,

Kevin Doan, C.S.

Canadian Centre for Excellence in Injury Justice

www.injurylawcentre.ca

ideas@injurylawcentre.ca

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