



## Consolidated General Practice Guidelines

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These guidelines consolidate and replace the following Practice Directions:

- Designation of the Surname / Family Name of a Party;
- Electronic legal service and electronic filing & Annex;
- Informal Requests for Interlocutory Relief;
- Early Hearing Dates for Applications in the Federal Court;
- Books of Authorities;
- Name of the presiding judge or prothonotary;
- Addressing the Judicial Officers in Court;
- Gowning for counsel; and
- Costs in the Federal Court.

## **Consolidated Practice Guidelines**

1. These Consolidated General Practice Guidelines are to be read in conjunction with the consolidated guidelines listed below, which are posted on the Court's website (see [Notices](#)).
  - (a) Consolidated Covid-19 Practice Directions;
  - (b) Case and Trial Management Guidelines for Complex Proceedings and Proceedings under the *PM(NOC) Regulations*; and
  - (c) Practice Guidelines for Citizenship, Immigration and Refugee Law Proceedings; and
  - (d) Aboriginal Litigation Practice Guidelines (4<sup>th</sup> Edition).

In the event of a conflict between the guidelines below and the guidelines listed in paragraphs (a) to (d) above, the guidelines listed in paragraphs (a) to (d) above take precedence.

## **Naming in originating documents**

2. When submitting originating documents to the Court, a party's family name or names should be typed with capital letters in bold font. Given names should be in lower case letters and in regular font.

## **Electronic service and filing**

3. For a detailed list of procedures regarding electronic service and filing, please see this [web page](#).

## **Informal requests for interlocutory relief**

4. **General.** Interlocutory relief under items 5 to 7 below includes a request for extension or abridgement of time, leave to amend a pleading or the style of cause, bifurcation, consolidation of proceedings, security for costs and relief in respect of other procedural matters.
5. **Request to be relieved from filing a motion.** Where the *Federal Courts Rules*, SOR/98-106 [[Rules](#)] provide for interlocutory relief only upon the filing of a motion, a moving party may seek leave, by way of letter, to be relieved from the requirement to bring a formal motion if the following requirements are met. The letter must:
  - (a) confirm that all parties either consent to the request or do not oppose the request;
  - (b) set out all facts relevant to the request;
  - (c) provide the parties' submissions relevant to the request; and
  - (d) include a recital of the exact relief sought by the parties and attach a draft order.

- 6. Motion Record, Further Information, or Case Management Conference Required.** Upon considering a request made pursuant to paragraph 5 above, the Court may, for any reason, require a formal motion record or further information. For example, if any party opposes a request for interlocutory relief, the moving party will be required to bring a formal motion. It is the moving party's obligation to confirm that the request is made on consent or unopposed by all other parties. The Court should not be expected to infer a responding party's position (e.g., from the absence of a response). Nor is it the role of the Court or Registry to seek out the other party's position.

In a case-managed proceeding, the Court may require the moving party to requisition a case management conference before bringing any motion.

- 7. Requests that Require Adjournment of a Hearing on the Merits.** If the interlocutory relief could affect the orderly hearing of a scheduled matter, the Court will ordinarily require that a formal motion for adjournment be made.

### **Early requests for a hearing**

- 8.** Except with respect to applications made under the *Immigration and Refugee Protection Act, SC 2001, c 27 [IRPA]* or the *Patented Medicines (Notice of Compliance) Regulations, SOR/93-133 [PM(NOC) Regulations]*, parties may, on consent or through case management, seek a hearing date prior to the filing of their application records by writing to the Judicial Administrator. The letter must:
- (a) include a copy of the schedule agreed to by all of the parties;
  - (b) indicate whether a notice of constitutional question will be required;
  - (c) indicate the place at which the hearing should be held;
  - (d) set out the maximum number of hours or days required for the hearing;
  - (e) provide a list of the dates on which the parties are available and not available during the 90 days following the date on which the application will be ready for hearing;
  - (f) include the name, address for service and telephone number of each solicitor or, where a party is unrepresented, the address and telephone number of the party; and,
  - (g) indicate whether the language used in the application will be English, French or both.
- 9.** The Court will endeavour to accommodate early requests for hearing dates whenever possible.
- 10.** Paragraph 8 above is not intended to replace the current practice for abridging timelines pursuant to Rule 8.

## **Books of Authorities**

11. Parties are encouraged to file books of authorities containing copies of the authorities to which the parties intend to refer at the hearing. In addition to the requirements applicable to electronic documents (see current COVID-19 Practice Direction on the Court website [Notices](#) page), books of authorities should:
- (a) include only the cases to which the parties have referred in the factum. The particular passages in the cases to which the parties wish to refer should be clearly marked;
  - (b) references to judgments or other documents relied on, in a memorandum of fact and law, should identify a precise paragraph or page number. Where possible, citations of case law are to be made to a neutral citation (e.g. 2008 FC 2345);
  - (c) Rule 70(2) requires that extracts of federal statutes and regulations be reproduced in both official languages;
  - (d) Rule 70(2.1) requires that in respect of reasons for judgment, the book of authorities shall contain:
    - i. in the case where the book is filed in paper copy and the reasons are available from an electronic database that is accessible to the public at no charge, the relevant extracts of the reasons — including the head note, if any, and the paragraphs immediately preceding and following the extracts — with a reference to the database clearly marked on the page containing the extract; and
    - ii. in any other case, the reasons for judgment in full with the relevant extracts clearly marked.
  - (e) indicate whether they are filed by the applicant or the respondent. Where possible, there should be consultation between the parties to avoid duplication of the authorities included in their respective books of authorities. A joint book of authorities is acceptable;
  - (f) have a tab for each case (either numerical or alphabetical) and include an index of the authorities. The index should indicate the tab where the authority is reproduced. It is not necessary to number the pages in the book of authorities so long as the photocopies show the page or paragraph numbers of each authority; and
  - (g) be filed, if possible, no later than by the Friday of the week preceding the related hearing.

### **Name of presiding judge / prothonotary**

12. The name of the presiding judge or prothonotary will be available upon request through the Registry as of one (1) week prior to the commencement of scheduled hearings. This policy does not extend to the hearing of motions at general sittings and urgent motions.

Changes to the assignments of judges or prothonotaries may be made at any time.

### **Addressing judicial officers in Court**

13. The Federal Government has introduced legislation that would change the Prothonotary title to Associate Judge. As an interim measure, counsel and litigants may refer to Prothonotaries as “Your Honour” or as “Mr. Prothonotary” or “Madam Prothonotary” along with the family name of the prothonotary. Judges of the Federal Court may continue to be addressed as “Justice”, “Mr. Justice” or “Madam Justice” along with the family name of the judge.

### **Gowning for counsel**

14. **Gowning Requirement and Exceptions.** Unless the presiding judge or prothonotary otherwise directs, counsel are required to gown for all hearings before the Court except the following:
- (a) hearings on any motion other than for summary judgment, summary trial, or contempt;
  - (b) case management conferences;
  - (c) dispute resolution conferences;
  - (d) pre-trial conferences;
  - (e) trial management conferences.

For the exceptions listed in paragraphs 14(a) to (e), counsel are nonetheless required to wear business attire.

**Accommodation.** Counsel with personal circumstances, such as pregnancy, a medical condition or disability, are free to modify their traditional Court attire in order to accommodate those circumstances. This includes by dispensing with a waistcoat and tabs, with the following proviso: modified attire must be dark in colour and in keeping with Court decorum. Counsel wearing altered attire are requested to advise designated Court personnel in advance of the appearance to ensure that counsel do not need to discuss their personal circumstances or modified attire on the record or in open court.

## **Costs**

15. During the hearing of a motion, application or action, the parties should be prepared to inform the Court as to whether they have agreed on the disposition and/or quantum of costs. If the parties have not settled the disposition and/or quantum of costs, they should be prepared to make submissions on those issues to the presiding judge or prothonotary before the end of the hearing.

## **Articling students**

16. Section 11 of the *Federal Courts Act* (R.S.C., 1985, c. F-7) provides that only a barrister or an advocate in a province, or an attorney or a solicitor in a superior court of a province may practice in the Federal Court. Although a strict reading of this provision may suggest otherwise, the clear intent behind this provision was to adapt to the practise in place in such provinces and territories in which the Federal Court is called upon to sit.

Consequently, articling students may appear in the Federal Court where they are permitted to do so in the province or territory in which the hearing takes place. In brief, the Court defers to the professional regulations of the law societies of each province and territory, subject to the discretion of the presiding judge to suspend or postpone a case if the interests of the party so represented are not adequately protected. An articling student appearing before the Federal Court must identify themselves as an “articling student”.