

**NOTICE TO MEMBERS OF THE BAR CONCERNING CASE MANAGEMENT IN CIVIL
MATTERS BY THE COURT OF APPEAL (Art. 45 to 62 of the Rules)**

This is a reminder as to the applicable procedure for the management of cases in appeal. The progress of the file will be determined by:

- **a judge**, in cases where the judge grants leave to appeal, and for appeals in family matters in which the inscription is filed during the time when the judge is assigned to act alone. In appropriate cases, the judge may recommend mediation;
- **a panel**, in cases when it has before it a motion of any nature. In appropriate cases, the panel may recommend mediation;
- **the Chief Justice or a judge the Chief Justice designates**, in all other cases. For these appeals, a proposal will be made to counsel (or to a self-represented party), usually within 45 days from the receipt of the inscription in appeal. In appropriate cases, the Chief Justice or the judge the Chief Justice designates may recommend mediation. Particular management of the appeal may also be recommended, which will apply if the parties agree, or if they fail to reply within the specified time limit. In the event of disagreement, the Chief Justice or the judge the Chief Justice designates may impose a form of management of the case after a conference for that purpose has been held, whether by telephone or otherwise.

Except for interlocutory appeals or urgent cases, the Registry will establish the date of the hearing and ensure the progress of the file.

A party that wishes to have particular management of a file should prepare a detailed request to that effect that, according to the circumstances, will be transmitted to a judge, a panel, or the Chief Justice or a judge the Chief Justice designates.

For appeals from judgments of cases of long duration where it may be advisable to examine the extent of the transcription of evidence at trial, it is recommended that counsel inform the Registry immediately so that the Chief Justice or the judge designated by the Chief Justice may consider the matter.

In the context of a pilot project initiated in September of 2008, the Court will automatically contact parties in cases in which the duration of the hearing was 10 days or more in order to ensure the particular management of the file.

In the event counsel wish to participate in a judicial mediation conference, they should do so without delay by transmitting a duly completed joint request to that effect to the Registry.

This procedure for the management of cases in appeal does not exclude any preliminary recourse that the parties may invoke; including in particular motions to dismiss appeals. To the same effect, the provisions respecting the desertion of appeals in the event of a time limit not being respected, or the failure to file a factum within the prescribed time limit, remain in effect and will continue to be applied.

February 6, 2009

**J.J. MICHEL ROBERT
Chief Justice of Quebec**