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REGISTRAR:

THE COURT OF APPEAL FOR SASKATCHEWAN

To: All Members of the Law Society of Saskatchewan
All Members of the Canadian Bar Association, Saskatchewan Branch

The Court of Appeal for Saskatchewan seeks your comments on proposed Civil Practice Directive No. 5 – Proof of Service (see attached). When adopted, the practice directive would allow counsel to file a “certificate of service” in satisfaction of any proof of service requirement under *The Court of Appeal Rules* and in lieu of filing an acknowledgement of service.

As an example, Rule 10(1) of *The Court of Appeal Rules* states that a notice of appeal must be filed “with proof of service” within 10 days after service upon the last of the parties to be served. Currently, appellant counsel would satisfy this proof of service requirement by filing an acknowledgement of service signed by the respondent or respondent counsel. Under the proposed alternative, appellant counsel could choose to *certify* that he or she has served the notice of appeal on the respondent or respondent counsel and the Registrar would accept that certification as satisfying the proof of service requirement under Rule 10(1). To avoid duplication, the document served would not be attached to the certificate of service.

This alternative method of proving service will facilitate the electronic filing of notices of appeal through the eCourt portal and will provide a means for counsel to prove service where they may be unable to obtain and file an acknowledgement of service within the time required. This initiative arises out of a request from members of the appellate Bar.

The Court would appreciate receiving comments from the Saskatchewan Bar, directed to the Registrar, **on or before August 31, 2011**. The Court will thereafter consider all comments received with a view to adopting the practice directive, as may be amended, for the Court’s 2012 sittings.

Yours truly,

Lorna Hargreaves
Acting Registrar
Court of Appeal

DRAFT

**CIVIL PRACTICE DIRECTIVE NO. 5
PROOF OF SERVICE**

Effective _____, 2011

Practice Directive prevails: This Practice Directive prevails in the event of any conflict or inconsistency between this Practice Directive and *The Court of Appeal Rules*.

Proof of Service

1 In addition to proving service of a document in a manner permitted under Part Three of *The Queen's Bench Rules*, legal counsel for a party or for an intervenor in a proceeding may prove service of a document for the purposes of *The Court of Appeal Rules* by filing a Certificate of Service in Form A, unless otherwise ordered by the court or a judge.

2 A Certificate of Service filed in accordance with section 1 is deemed to be proof of the service of the document or documents referred to therein in satisfaction of the applicable proof of service requirement of *The Court of Appeal Rules*, unless otherwise ordered by the court or a judge.

NOTE: This Practice Directive is issued by the Court under the authority of *The Court of Appeal Act, 2000* and **Rule 74** of *The Court of Appeal Rules*.

_____, Registrar,
Court of Appeal for Saskatchewan.

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CIVIL PRACTICE DIRECTIVE NO. 5
FORM A

CACV _____

IN THE COURT OF APPEAL FOR SASKATCHEWAN

BETWEEN:

APPELLANT

AND:

RESPONDENT

CERTIFICATE OF SERVICE

I, _____, being a member of the Law Society of Saskatchewan and legal counsel for the _____, certify that I caused *[legal counsel for]* the _____ to be served on the _____ day of _____, 20____, with a true copy of the following document(s):
[Document(s)]

DATED at _____, Saskatchewan, this _____ day of _____, 20____.

(Signature)

This document was delivered by:

[Name of law firm]

[Address]

Lawyer in charge of file:

Telephone:

Fax:

TO: REGISTRAR
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