

REQUEST FOR FEEDBACK

Saskatchewan's new *Rules of Court* came into effect on June 1, 2013. There were no corresponding amendments to the Tariff of Costs completed at that time. Chief Justice Popescul however established the Queen's Bench Tariff Committee (the QB Tariff Committee) comprised of:

- a) Justices Pritchard, Gabrielson and Danyiuk who were appointed by the Court;
- b) Robert G. Kennedy, Q.C., and Gregory G. Walen, Q.C., who were appointed by the Law Society of Saskatchewan;
- c) Michelle J.V. Ouellette, Q.C., and Jennifer D. Pereira who were appointed by the Canadian Bar Association, Saskatchewan Branch;
- d) Naheed Bardai who was appointed by the Saskatchewan Trial Lawyers Association;
- e) Kara D. Jordan who was appointed by *Pro Bono* Law Saskatchewan;
- f) Jennifer E. Fabian, Registrar of the Court of Queen's Bench who was appointed by Chief Justice Popescul; and
- g) Chief Justice Popescul who is a member of the Committee *ex officio*.

The QB Tariff Committee sought input from the profession by way of a request for feedback dated November 18, 2013. The Committee received several responses both formally and informally which it considered at subsequent meetings.

After several meetings, the Committee agreed upon a draft General Division tariff and a draft Family Law Division tariff which it forwarded to the Court of Queen's Bench Judges for review. The Queen's Bench Judges gave their approval in principle to both new tariffs at the Court's December *en banc*. The Court requested that the Committee seek further feedback from interested parties before considering the matter at its June *en banc* for final approval. That is the purpose of this request.

Attached is the proposed General Division tariff and Family Division tariff. The proposed revised tariffs have the following general characteristics:

- 1) Rather than revising the four existing specific dollar columns which have been in the tariff which has existed from 1991 to the present date, the new draft tariffs each have three columns based upon the complexity of the action rather than the amount in issue. The default column is column 1 and the parties must apply to the

judge hearing the matter if they wish either of the other columns to be applied.

- 2) The descriptive items in the three columns follow and are consistent with the descriptions contained in the revised Rules.
- 3) The descriptions are simplified and clarified for the benefit of all but especially for self-represented litigants;
- 4) The costs are back loaded so that as the matter progresses through the litigation process, costs will increase.
- 5) The drafts attempt to maintain an expected recovery of approximately one-third of the actual legal fees which the parties will have been charged.
- 6) The proposed Family Law tariff attempts to follow the General Division tariff wherever similar services are being provided.

In order to test the effect of the proposed General Division tariff against the current tariff, a comparison was made by the Committee of how a column 3 action under the current tariff would compare with each of the three new columns. The attached comparison represents an action where the amount in issue was between \$25,000 and \$100,000. You will see that the cost would be approximately double under the new tariff assuming the matter is considered routine in complexity and as high as six times greater if it were deemed to be a complex action.

The Committee has also considered how the proposed tariffs would compare with two other jurisdictions, Ontario and Alberta, and has concluded that the fees awarded in Alberta would be slightly more than the proposed tariff in Saskatchewan and that the Ontario tariff would be significantly more because it was based upon an hourly rate rather than the fixed fee in the proposed tariff for a specified service.

The Tariff Committee therefore invites your input in respect to the proposed General Division tariff and Family Division tariff. We would request that you will address any comments or questions to the attention of Jennifer Fabian, Registrar/Executive Legal Officer, Court of Queen's Bench, Regina, Saskatchewan, or by email to jfabian@judicom.ca. The Committee would appreciate receipt of any comments by January 31, 2015.

TARIFF OF COSTS

SCHEDULE 1 "B"

IN THE COURT OF QUEEN'S BENCH

What this Schedule is about: This is the Schedule which is referred to in Part 11, Rule 11-18(1). Part 11 generally refers to how the Court may make an order or direction with respect to the costs in a proceeding and this Schedule outlines the basic cost structure between the parties to the litigation.

Whether this Schedule is used in any given case, either in whole or in part, is subject to the discretion of the Court. In the event that an item is not referred to in this Schedule, the matter of costs will be in the discretion of the Court.

The Schedule is divided into 3 columns; Column 1 is to apply in every case unless the Court directs otherwise.

The appropriate column is based upon the complexity of the matter with Column 1 representing the least complex matter and Column 3 representing the most complex matter.

The parties may agree upon the column to be applied failing which this must be decided by the Court.

Some judicial processes have their own Tariff of Costs and in matters falling within those processes, this Tariff will not apply.

	Column 1	Column 2	Column 3
PART 3: COURT ACTIONS			
Division 2: Actions Started by Statement of Claim			
Rule 3-9 Statement of Claim	\$750	\$1500	\$3000
Rule 3-15 Statement of Defence	\$500	\$1000	\$2000
Rule 3-15, 3-16 and 3-43 Defence with Counterclaim	\$750	\$1500	\$3000
Rule 3-17 Defence with Counterclaim	\$150	\$300	\$600
Rule 3-16, 3-32 and 3-33 Third Party and/or Cross Claims	\$500	\$1000	\$2000
Division 3: Actions Started by Originating Application and Judicial Review			
Rules 3-49 and 3-56 Originating Applications and Judicial Review Application, including supporting Affidavits	\$1000	\$2000	\$4000
Rule 3-52 Response to an Application	\$1000	\$2000	\$4000

Rule 3-50 Briefs of Law and Attendance on Application	\$1,000	\$2000	\$4000
Rule 3-54 Cross-examination on Affidavits (per 1/2 day of 2 ½ hours or part thereof)	\$150	\$300	\$600
Division 4 and 5: Request for Particulars and Amendments to Pleadings			
Rule 3-71 Request for Particulars	\$150	\$300	\$600
Rule 3-71 Response to Request for Particulars	\$150	\$300	\$600
PART 4: MANAGING LITIGATION			
Division 2: Court Assistance in Managing Litigation			
Rule 4-4(2) Request for Case Conference	\$50	\$50	\$50
Rule 4-5 Request for Case Management	\$100	\$100	\$100
Rule 4-8 Preparation for and appearance at case management conference	\$100	\$200	\$400
Division 3: Dispute Resolution			
Subdivision 1: Mandatory Mediation			
Rule 4-10 Mandatory Mediation Preparation for and Attendance at Mandatory Mediation (per 1/2 day of 2 ½ hours or part thereof)	\$150	\$300	\$600
Subdivision 2: Pre-Trial Conference			
Rule 4-11(1) to 4-15 All steps necessary for request, preparation and attendance (per 1/2 day of 2 ½ hours or part thereof)	\$1000	\$2000	\$4000
PART 5: DISCLOSURE OF INFORMATION			
Rule 5-5 For all attendances and steps required to complete the Affidavit of Documents, including all negotiations and discussions that are required pursuant to the e-Discovery Guidelines. Base amount plus 50¢ for each additional document or bundle of documents after 50	\$500	\$1000	\$2000
Rule 5-10 For the preparation and swearing of any Supplementary Affidavit of Documents. Base amount plus 50¢ for each additional document or bundle of documents after 50	\$100	\$200	\$400
Rule 5-18 Conducting the Questioning of any party (per 1/2 day of 2½ hours or part thereof)	\$300	\$600	\$1200
Rule 5-23 Procuring and serving the Appointment for Questioning	\$50	\$50	\$50
Rule 5-25 Attendance at Questioning by Other Counsel (per 1/2 day of 2½ hours or part thereof)	\$150	\$300	\$600

Rule 5-32 For all steps necessary to prepare and serve written questions on another party	\$150	\$300	\$600
Rule 5-32(3) Responding to written questions of another party	\$150	\$300	\$600
Rule 5-33 Responding to any Undertakings	\$150	\$300	\$600
Division 3: For all steps necessary to prepare and instruct an expert witness in connection with the preparation of the expert's report where the expert testifies or the report is tendered in evidence or where the preparation of the report was necessary in the opinion of the trial Judge	\$500	\$1000	\$2000
PART 6: RESOLVING ISSUES AND PRESERVING RIGHTS			
Rule 6-5 and 6-6 Notices of Application a. Uncontested Matter: for the preparation and attendance on the Application, including all Affidavits and material filed in support or in response	\$300	\$300	\$300
b. Contested Matter: for the preparation and attendance on the Application, including all Affidavits and material filed in support or in response	\$500	\$1000	\$2000
Rule 6-24 Appearance Day Applications: for the preparation and attendance on the Appearance Day Application	\$200	\$200	\$200
Rule 6-51 Notice to Admit Facts and/or Admission of Facts	\$300	\$600	\$1200
PART 7: RESOLVING CLAIMS WITHOUT A FULL TRIAL			
Division 2 – Summary Judgment			
Rule 7-2 and 7-3 Application for Summary Judgment, including preparation of Affidavits and attendance on Application	\$1000	\$2000	\$4000
Rule 7-3(2) Cross-Examination, per Affidavit	\$200	\$400	\$800
Rule 7-4 Preparation of Briefs Required for Summary Judgment	\$500	\$1000	\$2000
Rule 7-5(3) Presenting Oral Evidence – if directed by the Judge	\$500	\$500	\$500
PART 9: TRIAL			
Division 4: Procedure at Trial			
Rule 9-12 - Notice to Produce Documents	\$100	\$100	\$100
Preparation for Trial, including written Brief, if any	\$1000	\$2000	\$3000
Counsel Fee at Trial to First Counsel (per ½ Day of 2 ½ hours or with proportionate allowance for part thereof)	\$1000	\$2000	\$3000

To Second Counsel - in Discretion of Trial Judge, not to exceed 1/2 of First Counsel, if considered necessary			
Written Argument - in Discretion of the Trial Judge, if considered necessary	\$1,000	\$2,000	\$3,000

MISCELLANEOUS ITEMS

		Column 1	Column 2	Column 3
1	Preparation and issuance of each Court Order and/or Formal Judgment	\$100	\$100	\$100
2	Entry of Judgment in default for a liquidated demand in ordinary cases, in full satisfaction of all other fees	\$1,000	\$1,000	\$1,000
3	Preparation of Bills of Cost	\$100	\$200	\$400
4	Fee on Taxation per hour	\$100	\$100	\$100
5	All necessary disbursements properly vouched for			

TARIFF OF COSTS

SCHEDULE 1

"B" - FAMILY

IN THE COURT OF QUEEN'S BENCH FAMILY LAW DIVISION

What this Schedule is about: This is the Schedule which is referred to in Part 11, Rule 11-18(1). Part 11 generally refers to how the Court may make an order or direction with respect to the costs in a proceeding and this Schedule outlines the basic cost structure between the parties to the litigation.

Whether this Schedule is used in any given case, either in whole or in part, is subject to the discretion of the Court.

The Schedule is divided into 3 columns; Column 1 is to apply in every case unless the Court directs otherwise.

The appropriate column is based upon the complexity of the matter with Column 1 representing the least complex matter and Column 3 representing the most complex matter.

The parties may agree upon the column to be applied failing which this must be decided by the Court.

Where a particular tariff item is not present in this Schedule but is applicable to a Family Law Proceeding, that tariff item may be applied from the General Tariff, Schedule 1 "B"

	Column 1	Column 2	Column 3
PART 15: FAMILY LAW PROCEEDINGS			
Originating Pleadings			
Rule 15-6 - Petition	\$500	\$1000	\$2000
Rule 15-14 - Answer	\$200	\$400	\$800
Rule 15-15 - Answer and Counter-Petition	\$500	\$1000	\$2000
Rule 15-17 - Reply to Answer and/or Counter-Petition	\$150	\$300	\$600
Rule 15-48 - Application for corollary relief	See "Motions and Applications"		
Rule 15-49 - Application for Variation, including the preparation and attendance on the application with affidavits and material filed in support	\$1000	\$2000	\$4000
Financial Disclosure and Disclosure of Information			
Rule 15-26 - Financial Statement	\$500	\$1000	\$2000
Rule 15-26 - Property Statement	\$500	\$1000	\$2000
Rule 15-26 - Notice to File Income Information	\$200	\$200	\$200

Rule 15-26 – Reply to Notice to File Income Information	\$200	\$200	\$200
Rule 5-5 – for all attendances and steps required to complete the Affidavit of Documents including all negotiations and discussions which are required pursuant to the e-Discovery Guidelines. Base amount plus 50¢ for each additional document or bundle of documents after 50	\$500	\$1000	\$2000
Rule 5-10 – for the preparation and swearing of any Supplementary Affidavit of Documents. Base amount plus 50¢ for each additional document or bundle of documents after 50	\$100	\$200	\$400
Rule 15-33 – Notice to Disclose	\$150	\$300	\$600
Rule 15-33 – Reply to Notice to Disclose	\$150	\$300	\$600
Rule 15-34 – Notice to Reply to Written Questions	\$150	\$300	\$600
Rule 15-34 – Reply to Notice to Reply to Written Questions	\$150	\$300	\$600
Rule 5-18 – Conducting the Questioning of any party (per ½ day of 2 ½ hours or part there)	\$300	\$600	\$1,200
Rule 5-23 – procuring and serving the Appointment for Questioning	\$50	\$50	\$50
Rule 5-25 – attendance at Questioning by Other Counsel (per ½ day of 2 ½ hours or part thereof)	\$150	\$300	\$600
Expert Witnesses			
Division 3 – For all steps necessary to prepare and instruct an expert witness in connection with the preparation of the expert's report where the expert testifies or the report is tendered in evidence or where the preparation of the report was necessary in the opinion of the trial judge	\$500	\$1,000	\$2,000
Court Assistance in Managing Litigation			
Rule 4-4(2) – Request for Case Conference	\$50	\$50	\$50
Rule 4-5 – Request for Case Management	\$100	\$100	\$100
Rule 4-8 – Preparation for and appearance at case management conference	\$100	\$200	\$400
Rule 15-21 – Joint Request for Pre-Trial Conference	\$50	\$50	\$50
Rule 4-11(1) to 4-15 – All steps necessary for request, preparation and attendance at pre-trial – per half day of 2.5 hours or part thereof	\$1,000	\$2,000	\$4,000

Motions and Applications			
Rule 6-5 and 6-6 Notices of Application			
a. Uncontested Matter: for the preparation and attendance on the Application, including all Affidavits and material filed in support or in response	\$300	\$300	\$300
b. Contested Matter: for the preparation and attendance on the Application, including all Affidavits and material filed in support or in response	\$500	\$1,000	\$2,000
Rule 6-24 Appearance Day Applications: for the preparation and attendance on the Appearance Day Application	\$200	\$200	\$200
Rule 6-51 Notice to Admit Facts and/or Admission of Facts	\$300	\$600	\$1,200
Resolving Claims Without a Full Trial			
Summary Judgment			
Rule 7-2 and 7-3 – Application for Summary Judgment, including preparation of Affidavits	\$500	\$1,000	\$2,000
Rule 7-3(2) Cross-Examination on Affidavits	\$300	\$600	\$1,200
Rule 7-4 – Briefs Required for Summary Judgment - Preparation of Brief	\$500	\$1,000	\$2,000
Rule 7-5(3) – Presenting Oral Evidence – per half day of 2 ½ hours or part thereof	\$500	\$1,000	\$2,000
Note: This part does not apply to uncontested family law proceedings in accordance with Rule 15-23 nor uncontested divorce proceedings in accordance with Rule 15-41			
Uncontested Family Law Proceeding (Rule 15-23)			
Petition and Notice of Application for Judgment in Form 15-23A and/or Application for Judgment in Form 15-23B with supporting affidavits and material filed in support and, if necessary, in the opinion of the Court, oral evidence			
Uncontested Divorce Proceeding (Rule 15-41)			
Petition and Notice of Application for Judgment in Form 15-23A and/or Application for Judgment in Form 15-23B with supporting affidavits and material filed in support, and, in addition, all reasonable disbursements properly vouched for	\$500	\$500	\$500
Trial			
Procedure at Trial			
Rule 9-12 - Notice to Produce Documents	\$100	\$100	\$100
Preparation for Trial – including written Brief, if any	\$1,000	\$2,000	\$3,000

Counsel Fee at Trial to First Counsel (per ½ day of 2 ½ hours or with proportionate allowance for part thereof)	\$1,000	\$2,000	\$3,000
Miscellaneous Items			
Preparation and issuance of each Court Order and/or Formal Judgment	\$100	\$100	\$100
Preparation of Bill of Costs	\$100	\$200	\$400
Fee on Taxation per hour	\$100	\$100	\$100
All necessary disbursements properly vouched for			