

8. There are expectations for behaviour inside the courtroom.

Once your trial date arrives, you, or your lawyer, must present your case in a manner that is polite, respectful and considerate of all the people in the courtroom. You might be surprised to see that your lawyer will probably not act in the dramatic and aggressive manner of lawyers in television shows! You must conduct yourself with dignity and respect for all the participants. The *Alberta Rules of Court* do not cover this topic, but if you are representing yourself, you can prepare by sitting in on a court case, or by visiting a website such as www.familylawnb.ca/english/court_tips_for_the_hearing.

9. Judges are not there to assist the parties.

Judges have their own jobs to do. They listen to the evidence and apply the law to make their decisions. Judges must remain impartial. If you are representing yourself, they cannot help you present your case, any more than they would help your lawyer present your case! Judges must also ensure that courtroom time and resources are not wasted by unprepared or uninformed participants.

10. Once it's over ... it ain't over!

If you succeed at trial, you or your lawyer may still need to work hard to collect or enforce your judgment. There is no automatic process. If you represented yourself, you will need to draft and file an order or judgment which must be approved as accurate by the trial judge and the other party. You will then be on your own to take steps to collect any money you were awarded. Again, there are many rules about this process that you must follow.

Further Information

These Rules apply to the Court of Queen's Bench of Alberta and the Court of Appeal of Alberta. They do not apply in the Provincial Court of Alberta (Small Claims Court).

Further Resources

Alberta Queen's Printer

The Alberta Rules of Court are available in print and electronic format from the Alberta Queen's Printer.

Visit www.qp.alberta.ca.

Law Information Centre

Provides information about court procedures and court forms

Four locations in Alberta: Contact information and online contact form at: www.albertacourts.ab.ca/CourtServices/LInCLawInformationCentres/ContactLInC/tabid/277/Default.aspx

Contact by telephone

Calgary: 403 476 4744 Edmonton: 780 644 8217
Grande Prairie: 780 833 4234 Red Deer: 403 755 1469

Alberta Law Libraries

Facilitate access to legal information for Albertans, including lawyers, judges, citizens, and government agencies. The libraries are open to the public and use of their collections is free. Visit www.lawlibrary.ab.ca.

Law of Evidence, Revised 5th Edition by David M. Paciocco and Lee Steuser, August 2010 Irwin Law Inc.

This book is a good starting point for information about the law of evidence.



Centre for Public Legal
Education Alberta

#800 10050 -112 Street, Edmonton, Alberta T5K 2J1

p: 780.451.8764 f: 780.451.2341

e: info@cplea.ca www.cplea.ca

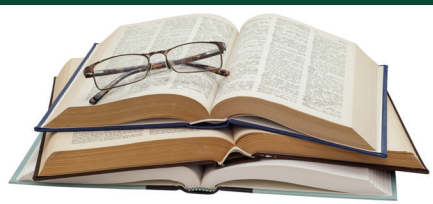
There are Rules?



Ten Things to Know about Going to Civil Court in Alberta



Centre for Public Legal
Education Alberta



... know about, and follow, the Rules of Court from the outset

This pamphlet will assist you if:

- you have a legal problem and are looking at your options;
- you are deciding whether to hire a lawyer or represent yourself;
- you are already representing yourself; or
- you have questions for your lawyer about the court process.

The Alberta Rules of Court apply to the Court of Queen's Bench of Alberta. They do not apply in Provincial Court (Small Claims Court).

1. Yes, there are rules ... and lots of them!

Based on what you see on television, you might think that lawyers or persons who choose to represent themselves in court can just show up and “run their own show”. Not so. There are rules. In fact, there are over 1000 of them in a document called the *Alberta Rules of Court* and they cover every aspect of a court case. Lawyers know to follow these rules, and you may ask your lawyer about them. However, if you choose to represent yourself, then right from the very beginning of your case, you, too, must follow these rules. There are rules for filing the proper paperwork to get a case started; there are rules for serving those papers on the person or corporation you are suing (or defending against); and lots more! You must find out about these rules – don't let yourself be surprised!

2. You must try to resolve your matter outside of the courtroom.

Before you decide whether to hire a lawyer or represent yourself, carefully consider all of your options. Have you called the Lawyer Referral Service? Have you talked to Legal Aid? Have you tried mediation or Alternate Dispute Resolution? Once you, or your lawyer, begin your lawsuit, the *Alberta Rules of Court* require

all parties to “consider and engage in” one or more dispute resolution processes, unless a judge waives this requirement. This may take the form of a process facilitated by a judge, or one that is supervised by an impartial third party from the government or private sector. In family law matters dealing with custody and child support, there are rules about attendance at Parenting after Separation seminars and Child Support Resolution programs.

3. There are many important rules about time.

First of all, there is the Alberta *Limitations Act*. This law sets out deadlines for beginning different types of court actions. If you do not hire a lawyer to represent you before the deadline expires, or you miss this deadline if you are representing yourself, you may be legally barred from proceeding with your case. In addition, throughout the court process, there are a number of deadlines you must meet. For example, after you or your lawyer file the documents to begin your court case, there are time limits within which you must deliver them to the other party. If court documents are served on you as a defendant, you have a certain time within which to respond. There will be time limits for just about every aspect of your case.

4. Know what steps you must take before you can go to trial.

There are many preliminary steps that may – or must – take place before you, or your lawyer, can ask for a trial date. For example, either party in a court action may request an Appointment for Questioning. This is a “question and answer session” where each of the parties testifies under oath. There are extensive rules about how these appointments are conducted. There are also rules about how to apply for a trial date and the information the court must have before it will set a trial date.

5. Understand how to present evidence in court.

There are rules about what evidence a judge will consider. Not everything is admissible, and you can't include, or expect that your lawyer will include, everything that you might consider to be evidence that supports your case. For example, your opinion is not evidence! In addition, evidence must be sworn under oath, and there are rules for how to do that. You can't just walk into the courtroom and “tell your story.”

6. Be sure to share!

You may have a number of papers and documents that you have provided to your lawyer for presentation in court or that you want to bring to court as evidence to prove your case. The *Alberta Rules of Court* require that these documents be shared with the other parties. If these rules are not followed, you may not be able to use these documents at your trial.

7. Understand how to use witnesses at trial.

You may have a number of witnesses that you, or your lawyer, intend to call in court to prove your case. There are rules about:

- letting the other side know about these witnesses;
 - examining and cross-examining witnesses at trial;
 - calling expert witnesses;
- and many other matters.

You may ask your lawyer about these rules. If you are representing yourself, you will need to know about and follow these rules to ensure that you are allowed to call your witnesses at trial.