

**Report to the Rules Committee concerning the activities of the
Subcommittee on Global Revision of the *Federal Courts Rules***

Background

The original framers of the Rules envisaged that a policy review be conducted roughly once a decade in order to ensure that the Rules remain fresh and responsive to modern realities. In accordance with that, the Rules Committee established this subcommittee. It is carrying out a review of the policies underlying the *Rules*.

Consultations

A notice inviting formal submissions was sent to all stakeholders, along with a discussion paper outlining issues that the subcommittee considered to be of interest. Stakeholders were invited to raise any other policy issues of interest to them.

Future consultations

The period for consultation, extended once, is now closed. However, the subcommittee remains open to receiving input at any time.

The subcommittee is especially interested in receiving further comments from any members of the Rules Committee and the constituencies they represent. However, as the subcommittee is now engaged in deliberations, any further comments should be sent as soon as possible to you (Chantelle.Bowers@fca-caf.gc.ca) as Secretary to the Rules Committee for the Federal Court of Appeal and Federal Court.

An information and education session will be held on May 15, 2012 with the Barreau de Montréal and a discussion will be held with the intellectual property bar at its Town Hall meeting on May 17, 2012.

As its deliberations progress, the subcommittee is likely to reach out to other groups or individuals for further consultation.

The product of the consultations

In all, the subcommittee received eleven formal submissions, many of them of very high quality. The spreadsheet, to be included in the materials for the Rules Committee, summarizes those submissions.

The subcommittee's activities

The subcommittee has had preliminary discussions on the issues. Those discussions identified clear themes and avenues for exploration arising from the formal submissions.

The subcommittee has agreed upon a methodology it will follow for its consideration of the issues. Under this methodology, the issues will be explored in an open, candid, informed and focused way.

An online “resource centre” has been established to facilitate access to the submissions and other resources.

The committee’s deliberations will take place over a number of meetings.

The subcommittee will be producing a report for the consideration by the Rules Committee. That report will set out majority and (where applicable) minority recommendations, the reasons supporting them, and identify any issues that require further study.

It is hoped that the report will be ready for the autumn meeting of the plenary rules committee. Upon consideration of our final report, the plenary committee could ask the subcommittee on global review to conduct a further analysis, or it may decide that certain rules require amendments and if that is the case, whether a new subcommittee should be tasked with a drafting phase.

As a happy by-product of the consultation process, the subcommittee also received a number of observations about possible anomalies that exist in the text of the Rules. Many of these do not raise policy considerations and, thus, are beyond the mandate of the subcommittee. No doubt other possible anomalies may be noticed during the subcommittee’s deliberations. The subcommittee intends to mention these anomalies in an appendix to its report so that the Rules Committee can consider whether any of them should be addressed by way of specific amendment.

The subcommittee welcomes any input or questions regarding its activities.