

NOTES

Form 41

(Rule 12-2 (3))

[Style of Proceeding]

TRIAL BRIEF

[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]

1

2

Filed by:[party]..... (the "filing party")

[The pages of this trial brief must be consecutively numbered. If this trial brief is more than 5 pages in length, it must include an index.]

The trial of this action is scheduled for[number of days scheduled for trial]..... days and is scheduled to begin on[dd/mmm/yyyy]..... .

1 Summary of Issues and Positions

3

The following are the issues in dispute and the filing party's position on each:

Issue in dispute	Filing party's position
1	1
2	2

4

2 Witnesses to Be Called

The following are the names and addresses of the witnesses the filing party intends to call at trial, and an estimate of the time each witness will need for giving direct evidence:

Name	Address	Time needed

5

3 Expert Reports

The following are the expert reports the filing party intends to offer as evidence at trial:

Name of expert	Date of report

6

4 Witnesses to Be Cross-Examined

The following are the names of the witnesses the filing party anticipates cross-examining at trial, and an estimate of the time the filing party will need for each:

Name	Time needed

7

5 Documents and Exhibits

The following are the documents and other exhibits the filing party intends to tender at trial:

1

2

8

6 Authorities

The following are the authorities the filing party intends to rely on at trial:

1

2

9

7 Order

The following are the terms of the order the filing party will seek at trial:

1

2

10

8 Time required for submissions

The filing party estimates that[time estimate]..... will be required for that party’s opening statement and[time estimate]..... will be required for that party’s final submissions.

11

9 Orders that may affect the conduct of the trial

The following orders contain provisions that may affect the conduct of the trial:

Date of order	Nature of order

10 Trial to be heard with or without jury

[Check the correct box.]

The trial of this action is to be heard by the court

12 without a jury.

with a jury.

Date:

.....[dd/mmm/yyyy].....

Signature of

13 filing party lawyer for filing party

.....[type or print name].....

NOTES

Court forms are available at: http://www.ag.gov.bc.ca/courts/other/supreme/2010SupRules/info/index_civil.htm.

They can be completed online and filed electronically using Court Services Online:
www.courtservicesonline.gov.bc.ca.

They can also be printed and completed manually; or completed online, printed and filed.

File this form in the court registry and serve it on the other parties of record.

1. The style of proceeding is the part at the top of the document that identifies your case within the court system. You will use the style of proceeding on every one of your documents, whether they are filed in the court registry or not. Insert the court number, the location of the registry (e.g., Vancouver), as it is part of your style of proceeding. Write in the names of the plaintiff and defendant in capital letters (not addresses) in the style of proceeding.
 2. Put your name here if you are filing the trial brief.
 3. List the issues you want resolved at trial and your position on the issue (e.g., liability for the motor vehicle accident; defendant is 100% liable for the collision).
 4. List the witnesses that you intend to call at trial to give evidence that supports your case (e.g., John Brown; 123 Main St. Vancouver; 15 minutes).
 5. List the experts' reports that you intend to submit at trial (e.g., Jane Black; June 21, 2010)
 6. List the witnesses that you expect to cross-examine at trial. (They will be witnesses for the other party.) (For example, Sally Smith; 15 minutes.)
 7. List the documents that you will be entering as exhibits at trial (e.g., the contract of employment between the parties; your bank statements for June, 2009, etc.).
 8. List the legal authorities that you intend to rely on at trial (e.g., the *Strata Property Act*, s. 53; *Brown v. Green*, 2008 BCSC 221, etc.).
 9. List the orders that you are asking the judge to make (e.g., that the defendant will immediately pay the money the plaintiff spent on repairs to his damaged motor vehicle).
 10. Provide an estimate for the time you will need to give your opening statement and final submissions.
 11. Provide information from previous court orders that may be relevant to the conduct of your trial (e.g., March 20, 2011; Valuation of the matrimonial home).
 12. Indicate whether this is a jury trial.
 13. Your name goes here.
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