

The Public Legal Education Program provides general education and information about law and the legal system for the person without legal training. The program does not provide legal advice. The program is funded by a grant from the Alberta Law Foundation.

Alberta **LAW**
FOUNDATION

THE PUBLIC LEGAL EDUCATION PROGRAM

'SMALL CLAIMS COURT' (PROVINCIAL COURT CIVIL) AND HOW IT WORKS

DATE: Wed., Jan. 25, 2012; 12:00 noon – 1:30 p.m.
LOCATION: Community Meeting Room, Main Branch (downtown),
Lethbridge Public Library
SPEAKER: Matthew D. Sommerfeldt, Barrister & Solicitor

NOTES

I INTRODUCTION

- (a) What 'Small Claims Court' Is and What It's For**

- (b) Court Fees**

- (c) Deciding Whether To Sue**

Continued over...

II JURISDICTION - WHAT KINDS OF CASES CAN BE BROUGHT IN THE COURT

(a) Generally

(b) Types of Cases That Can Be Brought

(c) Limits On Amount of Money That Can Be Involved

III PROCEDURE BEFORE TRIAL

(a) Generally

(b) The Civil Claim

(c) Service

(d) Dispute Note

(e) Default Judgment - When It Occurs

(f) The Pre-Trial Conference

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NOTES (Continued...)

IV MEDIATION

- (a) What Mediation Is**

- (b) How the Decision To Use Mediation Comes About**

- (c) The Mediation Process**

- (d) Possible Results Of Mediation**

V PROCEDURE AT TRIAL

- (a) Generally**

Continued over...

V PROCEDURE AT TRIAL (Continued...)

(b) Evidence and Evidence Rules

(i) Generally

(ii) Witnesses

A. Generally

B. Examination In Chief

C. Cross Examination

(iii) Documents

(c) Plaintiff's Case

(d) Defendant's Case

(e) Judgment

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VI APPEALING THE JUDGMENT

- (a) Generally**

- (b) What An Appeal Is and What Court Hears the Appeal**

- (c) Procedure**

- (d) Possible Results of Appeal**

VII COLLECTING THE JUDGMENT

- (a) Generally**

- (b) Writ of Enforcement**

Continued over...

VII COLLECTING THE JUDGMENT (Continued...)

(c) Garnishment

(d) Seizure

(e) Exemptions

VIII LIMITATION PERIODS, OTHER TIME LIMITS AND THEIR SIGNIFICANCE

IX UPCOMING AND PROPOSED CHANGES TO THE LAW (if any)

X OTHER

XI SOME SOURCES OF FURTHER INFORMATION

Presentations in more detail on various topics mentioned in this handout may already be available through the Public Legal Education Program or could be developed. For more information, contact the program. (See page 1 for contact information.)

The following websites provide information or a way to look for information. Often the sites group their information resources under general headings like 'publications' or 'resources'. Search terms you may wish to try include terms on this worksheet; A-Link; alternatives to court; being sued; branches-Alberta; browse by subject/topic; business in Alberta; civil (actions/claims/enforcement/law questions); civil (and family) (matters); clearinghouse; collection; common questions; consumer (tipsheets); court services; credit/creditors; (dealing with a) crisis/debt; debt; dispute resolution; don't know where to start; education & learning; forms; for the public; how do I; judgments; justice system; law, justice & citizens' rights; LawCentral Alberta; laws online/catalogue; laws site search; legal actions/assistance/process/system; life events; living in Alberta; money and commerce; occupational profiles; our websites; programs and services; public administration; public legal education; see all; search by industry/title; search list of legal topics; and specific legal topics.

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XI SOME SOURCES OF FURTHER INFORMATION (Continued...)

Alberta Arbitration & Mediation Society - <http://www.aams.ab.ca/>

Alberta Courts - <http://www.albertacourts.ab.ca/>

Alberta Government Service Alberta –
<http://www.servicealberta.gov.ab.ca/index.cfm>

Alberta Government Programs and Services -
<http://www.programs.alberta.ca/Index.aspx?N=0>

Alberta Justice - <http://www.justice.gov.ab.ca/home/default.aspx>

Alberta Law Libraries - <http://www.lawlibrary.ab.ca/>

Alberta Learning Information Service - <http://alis.alberta.ca/>

Alberta Queen's Printer - <http://www.qp.gov.ab.ca/index.cfm>

Canadian Bar Association - <http://www.cba.org/CBA/Home.asp>

Canadian Forum On Civil Justice - <http://cfcj-fcjc.org/news/>

Canadian Legal Information Institute –
http://www.canlii.org/index_en.html

Centre for Public Legal Education Alberta - <http://www.cplea.ca/>

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XI SOME SOURCES OF FURTHER INFORMATION (Continued...)

Department of Justice Canada - <http://canada.justice.gc.ca/>

Law Society of Alberta - <http://www.lawsociety.ab.ca/>

Legislative Assembly of Alberta - <http://www.assembly.ab.ca/>

Parliament of Canada - <http://www.parl.gc.ca/common/index.asp>

Student Legal Services of Edmonton - <http://www.slsedmonton.com/>

Supreme Court of Canada - <http://www.scc-csc.gc.ca/>

Federal and provincial statutes are available at the Department of Justice Canada and Alberta Queen's Printer sites respectively. See the websites about whether these are the official versions. Information about provincial and federal bills is available at the Alberta Legislative Assembly and Parliament of Canada sites respectively. See also the Canadian Legal Information Institute site.

In addition, there are Law Libraries in various communities in Alberta including Calgary, Edmonton and Lethbridge. Although their collections are designed primarily to meet the needs of lawyers, the public is free to use the materials within the libraries. See the Alberta Law Libraries website.

PLEASE NOTE that legal rules can and do vary from place to place - province to province, country to country, even municipality to municipality. Also laws change and material becomes out of date. Therefore it's important to make sure that the information you're looking at is applicable and current. Finally, general information is no substitute for obtaining the advice of a lawyer.