

LAWPRO Webzine



August 11, 2015

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Rule 48 Transition Toolkit helps you avoid administrative dismissal claims

Effective January 1, 2015, a new Rule 48.14 brought significant changes to the administrative dismissal regime in Ontario. After several hundred claims and almost \$10 million in claims costs in three and a half years, LAWPRO is happy to see old Rules 48.14 and 48.15 revoked.

While the new rule may help stem the tide of claims, the changed deadlines, processes and transition provisions introduce new claims risks that may trap the unwary lawyer. LAWPRO encourages all lawyers to familiarize themselves with the requirements under the new Rule 48.14 and make all necessary changes to internal systems and processes.

Our Rule 48 Transition Toolkit, available at practicepro.ca/Rule48, provides advice and tools lawyers and law firms can use to lessen the risk of a claim under the new rule.

Click [here](#) for the full PDF of the Rule 48 Transition Toolkit, or download the individual toolkit components:

- **Summary of significant changes under Rule 48.14:** There are some big changes and some hidden nuances that create new claims risks. Download this summary to help you understand the significant changes. ([PDF](#))
- **Why lawyers let files stall and tips on how to prevent dismissals:** Administrative dismissals occur over and over again when a plaintiff's lawyer does not take timely steps and loses sight of litigation deadlines. Understand the typical reasons for stalled files – and use these tips to prevent them. ([PDF](#))
- **Firm Transition Checklist:** Follow these tips to help your firm ensure ticklers and firm systems are properly implemented and updated. ([PDF](#))
- **Individual File Checklist:** Use this checklist to determine the dismissal deadline and take the appropriate steps on individual files. ([PDF](#))

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Critical dates under the new Rule 48.14

- New Rule 48.14 is effective **January 1, 2015**
- Actions commenced on or after **January 1, 2012** automatically dismissed without notice 5 years after commencement
- Actions commenced before **January 1, 2012** automatically dismissed **January 1, 2017**
- Transition provisions impact whether a status hearing will occur for **pre-January 1, 2015** actions

- **File Progress Plan:** The file progress plan can ensure tasks are taken in a timely manner and nothing slips through the cracks for individual files. Click here for instructions on how to use it and to print out the paper form ([PDF](#)). The file progress plan may be best kept and updated electronically ([Word](#)).
- **Rule 48 Transition Training PowerPoint:** Use this PowerPoint presentation, which includes detailed speaking notes, to train lawyers and staff on best practices to prevent a Rule 48 dismissal. ([PPT](#))

January 1, 2017 is approaching fast. On this date files commenced before January 1, 2012 that are not yet set down for trial will be automatically dismissed unless there is an order otherwise or the plaintiff is under disability. LAWPRO encourages lawyers to move their files along and comply with the requirements of the new Rule 48.14. Look for further reminders from LAWPRO in our publications and at CPDs.

Litigation claims at-a-glance

Read about the most common causes of litigation-based claims, and about what you can do to protect your practice in our handy two-page [Litigation Claims Fact Sheet](#).

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