

LawPRO Alert

ATTENTION

November 1, 2016

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Last chance to address your pre-2012 files!

LAWPRO encourages all lawyers to take immediate action to ensure their pre-2012 files will either resolve or be set down for trial by December 1, 2016. Remember, under the new Rule 48, matters commenced before January 1, 2012 that are not set down for trial will be automatically dismissed – without notice to counsel – on January 1, 2017. To avoid the dismissal of matters that will not be resolved, you must obtain consent from all parties to file a timetable and a draft order with the court by December 1, 2016 as Rule 48.14(4) requires this happen 30 or more days before the dismissal date.

If you cannot resolve, set down, or file a consent timetable on a pre-2012 file, then you will need to bring a motion for a status hearing before the dismissal deadline. However, if you anticipate or know that the status hearing will be contested, please contact LAWPRO as you have a potential claim. Early notice will hopefully allow the opportunity to repair potential claims – and avoid the \$10,000 increase in deductible that will apply if a dismissal is not set aside.

See these [Rule 48 Dismissal FAQs](#) for the answers to the most common questions we are hearing from Ontario lawyers.

Remember, on a rolling basis beginning January 1, 2017, matters commenced on or after January 1, 2012 will be automatically dismissed five years after they were commenced. Please be proactive and keep your files moving along. Consider using LAWPRO's [Rule 48 Transition Toolkit \(practicepro.ca/Rule48\)](#), which provides advice and tools lawyers and law firms can use to lessen the risk of a claim under Rule 48.

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