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EVIDENCE IN FAMILY LAW

Harold Niman

Release No. 42, November 2019

This unique resource is structured to follow the evolution of a family law case through trial and appeal and provides detailed analysis regarding how to best obtain, preserve and present evidence. It also examines specialized areas of family law such as Charter litigation and child protection proceedings, looking at how to establish the proper evidentiary framework.

What's New in this Update:

This release includes updates to Chapter 2, Appendix 1: Family Law Rules — Saskatchewan as well as updated memorandums of law to the

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Issues in Focus section.

Highlights Include:

- Eight memos have been updated, including:
 - Under what circumstances will a court admit an expert report that has been delivered by a party subsequent to the commencement of trial, and therefore after the time allowed by the Rules of Civil Procedure and the Family Law Rules?
 - When does a third-party viewing of a document constitute a waiver of solicitor-client privilege (Alta.)?
 - Is there an appropriate technique to be used by an assessor in family law matters (B.C.)?
 - What are the conditions for and the purpose of settlement privilege?
 - Under what circumstances will a court admit an expert report that has been delivered by a party subsequent to the commencement of trial, and therefore after the time allowed by the Supreme Court Civil Rules and the Supreme Court Family Rules?
 - How do judges address the problem of inadequate evidence respecting a damages award, settlement, or other claimed exclusion or deduction?
 - Under what circumstances will a court admit an expert report that has been delivered by a party after the time allowed by the Rules of Civil Procedure and the Family Law Rules but prior to the commencement of trial?
 - Under what circumstances will a court admit an expert report that has been delivered by a party subsequent to the commencement of trial, and therefore after the time allowed by the Alberta Rules of Court?