

CBA-NB: REPORT OF CIVIL LITIGATION SECTION TO COUNCIL
(July 9th, 2010)

1. Limitations Law Reform: Bill 28

Bill 28 became law in New Brunswick as of May 1st, 2010. The changes to New Brunswick limitations law were the subject of an on-line CLE session which was presented by the undersigned, Richard Scott, Q.C., and Tim Rattenbury on May 4th, 2010. We understand the registered attendance numbers were fairly good, and informal comments received anecdotally suggest that the format was satisfactory for participants.

2. Insurance Act/Insurance Limitations Reform

No Bill was introduced into the most recent session of the legislature. It is understood the office of the Superintendent of Insurance does intend to proceed with this matter at some future time.

3. Minor Injury Regulation (Report of Deputy Chairperson Stéphane Viola)

In view of time-constraints and developing events, I have requested that Stéphane Viola report separately to Council on this subject.

4. Coroner's Act Law Reform

It will be recalled by Council members that CBA-NB presented a written submission to the Minister of Public Safety on August 20th, 2009: "*Reforming the Coroner's Act of New Brunswick: A Submission to the Government of the Province of New Brunswick*". The Minister of Public Safety informed me in October that we would be invited to engage in further discussions with the Department. In April I met with the Deputy-Minister of Public Safety, Michael Comeau, for a full and frank discus-

sion of our concerns. With a Provincial election to take place in September 2010, our discussion concluded with the hope that CBA-NB will be invited to meet with the Minister of Public Safety in the Fall of 2010, (whomever that may be at that time), to make our arguments directly in support of the much-needed reform in this badly outdated Statute.

5. Immunity of Firefighters and Fire-Fighting Authorities from the Courts

Members of Council will remember that effective September 30th, 2008, the present Provincial Government created Section 193.3 of the *Municipalities Act*, which created a Statutory immunity from lawsuits for firefighters, their departments, their municipalities, and the Crown (and by extension, the liability insurers of all the foregoing), for all claims for loss, injury or damage suffered by reason of anything done in good faith or omitted to be done by a member of a fire department while acting as a member of a fire department . We wrote to the Deputy-Minister of Justice, Bonny Hoyt-Hallett in the Spring of 2009 suggesting there might be scope for productive dialogue towards amendments of this legislation. The Deputy-Minister wrote back on July 20th, 2009 to advise that this issue would be reviewed. The Department was provided with further background information summarizing our concerns and suggesting possible alternatives by correspondence of July 31st, 2009. Having had no response, the undersigned wrote again to the Deputy-Minister on November 30th, 2009. On May 13th, 2010 the Deputy-Minister advised that the position being advanced by CBA-NB is still being reviewed by staff. It can only be hoped that a meaningful response will eventually be received from the Department of Justice on this issue.

6. **National Civil Litigation Section Executive Meeting**

This has been tentatively scheduled for October 22nd-23rd, 2010 in either Quebec City or Ottawa.

7. **"Thanks for the Memories**

This report marks my final report to CBA-NB as Chairperson of the Civil Litigation Section. The last several years have proven to be a very interesting time to hold this position. I have also very much enjoyed the company and assistance of the other New Brunswick lawyers who give unstintingly of their time to support the work of the Canadian Bar Association in this Province. I would like to thank Council for the opportunity to serve in this capacity, and I would like to thank all who have assisted me in so many ways.

Respectfully submitted,

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