

## About this guide

More and more people go to court without a lawyer. That's why the Québec Bar Foundation has prepared guides called How to prepare for court.

These guides offer information that helps people understand the main steps of the legal process. They also help the reader make informed decisions about the choices they will face.

The information in this guide is only for people who have been accused in criminal court.

Since 1978, the Foundation has worked for the advancement of law and supported young legal professionals to help create a fairer society.

Primarily funded by private donations, the Foundation can count on the support of its Governors, its donors, its partners and successful fundraisers to accomplish its mission.

Working in a collective spirit, open to the community and attentive to its needs, the Québec Bar Foundation helps unite people and aspires to be at the heart of a legal community committed to the future of law.

To learn more about the Foundation and the free publications it offers, visit its website:

[fondationdubarreau.qc.ca](http://fondationdubarreau.qc.ca)

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This guide contains general information about current Québec law and is not meant to provide legal advice or a legal opinion.

This guide is meant for both plaintiffs (people suing others) and defendants (people being sued).

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# A guide that doesn't apply in all cases

## Only for civil cases

The information in this guide only applies to cases related to civil law.

Civil law is very broad and covers different types of situations.

For example:

- Latent defects.
- Conflicts between neighbours.
- Monetary claims.
- Contracts.
- Etc.

A civil trial has its own objectives, rules and procedures. If your case concerns another type of law, such as family law or criminal law, this guide is not suited for you.

It also does not apply to special proceedings such as injunctions, seizures before judgment, applications for judicial review, probate, class actions, etc.

## Only for Québec courts of law

Not all courts follow the same procedures.

**This guide is meant for cases** in Québec courts of law, specifically:

- The Superior Court of Québec.
- The Court of Québec, except for small claims.

**This guide does not apply to you if your case is being held:**

- In a federal court, such as the Tax Court of Canada or the Federal Court.
- In an administrative tribunal, such as the Tribunal administratif du logement, the Tribunal administratif du Québec or the Tribunal administratif du travail.



This guide follows the new rules of civil procedure that came into effect on June 30, 2023<sup>1</sup>.

If you filed your case with the Court of Québec before June 30, 2023, the procedure you must follow will not be exactly the same as the one described in this guide.

<sup>1</sup> An Act to improve justice efficiency and accessibility, in particular by promoting mediation and arbitration and by simplifying civil procedure in the Court of Québec, SQ 2023, c 3.

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# Options to settle your conflict

## Did you know going to court isn't the only way to settle a conflict?

Solving a conflict outside the courtroom is often more satisfying than a judge's decision. It's also a good way to reconcile with the other party.

Feel free to get creative with possible solutions. Who knows? Maybe you can make things better with a letter of apology or by paying for work in the other person's home.

We'll explain two ways to settle a conflict: negotiation and mediation. You can use either of these methods at any point before the trial to try to solve things.



## Mediation: negotiating with help

### What it is:

Mediation means negotiating with the help of someone who is neutral and impartial.

This person is called a "mediator". Their role is to help the parties find a solution to their conflict.

A mediator does not have the power to make decisions for you. Their role is to help you talk with the other party so you can find an agreement. They can also propose solutions.

Mediation can require a single meeting or multiple sessions.

### Finding a mediator:

The parties to the conflict choose the mediator together.

Free community mediation services are offered by Équijustice centers and ASSOJAQ members. These services are available throughout Québec.

To find one, visit the Équijustice website ([equijustice.ca](http://equijustice.ca)) and click on the "Find an Équijustice" tab. You'll also find contact details for ASSOJAQ members.

The Barreau du Québec can also help you find a mediator if necessary. In that case, services are not free, and the parties involved must pay the mediator.

To find a lawyer-mediator, consult the Directory of lawyers on the Barreau du Québec website ([barreau.qc.ca/en](http://barreau.qc.ca/en)).



### If mediation succeeds:

Sometimes, a simple handshake is enough. You can also choose to put your agreement in writing.

Before signing such an agreement, make sure it contains all the items you agreed on and that you understand all the terms that are used.



### If mediation fails:

Everything that was said or written during negotiations remains confidential and cannot be disclosed to the judge if the case comes to trial.

## Mediation has its advantages!

Even if it doesn't succeed, mediation can still help you if it takes place before you file a case in court.

### Your case could then be heard by a judge faster!

#### Here's how to proceed:

1. Take part in mediation before filing your lawsuit. You must choose a certified mediator, or contact an organization that offers mediation for civil cases.
2. Obtain a certificate proving that you participated in a private dispute prevention and resolution process.
3. File this certificate at the same time as you file your lawsuit (the originating application).

## Negotiation: finding a compromise

### What it is:

Negotiation lets you find an agreement with the other party by making concessions.

It's an informal process that only involves the parties to the conflict. You can negotiate how you want, when you want. You only need to contact the other party.

It's still possible to be represented by a lawyer when negotiating. The legal fees will probably not be as expensive as they would be for a case that goes to trial.

### If negotiations succeed:

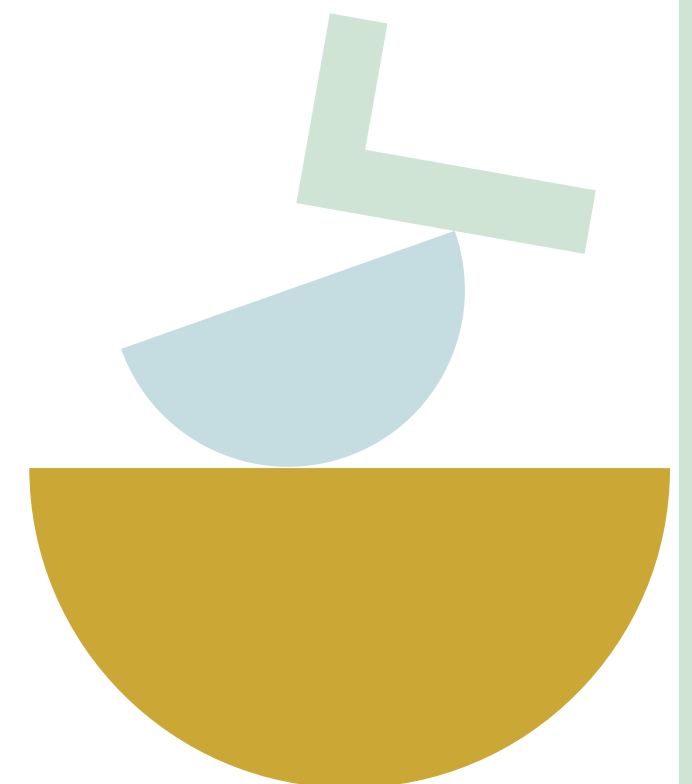
You can draw up a written agreement.

The agreement must be:

- signed by all involved parties.
- include all the details and conditions of the agreement.
- be written in clear terms that everyone understands.

### If negotiations fail:

Everything that was said or written during the negotiations remains confidential. The judge can't be told what was discussed if the case goes to trial.





# Before filing a lawsuit

## 1 Send a demand letter

Before filing a lawsuit in court, have you considered sending a demand letter called a formal notice? This is also known as a "mise en demeure".

### What it is:

A demand letter is sent to the person who owes you something or has caused you harm. It serves as a sort of final warning.

Usually, its purpose is to inform that person of your intention to start judicial proceedings if they don't do what you ask in your letter. But it can also suggest other solutions, such as mediation, negotiation, a letter of apology, an exchange of services, etc.

Who knows? A positive response might help you avoid having to pursue legal action.



Here is an example<sup>2</sup> :

Place and date

**WITHOUT PREJUDICE**

Name and address of the recipient

---

Sir/Madam,

I am writing to inform you that I am claiming the sum of \$XX from you for the following reasons :

[...]

This letter constitutes formal notice to pay me the sum of \$XX within ten days.

This letter also constitutes formal notice to return this object which belongs to me and which is currently in your possession within ten days.

Otherwise, I may take legal action against you immediately and without further notice.

I hereby inform you that I will consider any proposal for mediation or negotiation before referring the case to the courts.

Please act accordingly.

Signature

Your address and telephone number

### How to send it:

Your letter must be sent by registered mail or delivered by a bailiff so you can prove it was received.

### Is it mandatory?

Sending a demand letter is highly recommended in most cases, and it can even be mandatory in certain situations.

For further advice, read the article "[Writing a Demand Letter](#)" on the Éducaloi website. To find it, click on the link above or type "How to write a demand letter Éducaloi" in a search engine such as Google.

2. This model for a formal notice was taken from the Government of Québec website: <https://www.quebec.ca/en/justice-and-civil-status/small-claims/filing-claim/process-help-applicant/formal-notice#c208832>

## 2 Make sure it's not too late

The law specifies time limits to respect when filing a lawsuit. You might lose the right to sue if too much time passes.

This is called prescription.

Prescription time limits can be quite short and must always be respected. Sending a demand letter does not stop prescription.

Prescription time limits are usually defined in the [Civil Code of Québec](#), but also in different laws specific to your situation.

To find out what prescription time limit applies, you can:

- read the article "[Prescription](#)" on the Éducaloi website. To find it, type "Prescription Éducaloi" in a search engine like Google.
- ask a Community Justice Center lawyer for free ([justicedeproximite.qc.ca/en](https://justicedeproximite.qc.ca/en)).
- read the relevant laws.



## 3 Look up the law

Before suing someone, it's important to learn about all the laws that apply to your situation. Not only will you discover your rights and obligations, but it will also help you prepare your case properly from the start.



**Make sure the information you find is reliable, current and valid in Québec.**

Many free legal research tools exist online. Read the guide "[How to do your own legal research](#)" on the Community Justice Centers website to find them. You can find it by typing "how to do your own legal research site: justicedeproximite.qc.ca" in a search engine like Google.

## 4 Prepare a pre-court protocol (optional)

The pre-court protocol isn't mandatory, but it has some advantages. In fact, it can help you be heard by a judge faster!

### What it is:

It's a kind of schedule. The pre-court protocol is similar to the "case protocol" (p. 40), but it's prepared before filing a lawsuit.

### What to do:

You must prepare it with the other party. There is no mandatory form, but the Barreau du Québec has created a [free model](#) that you can use.

To find it, type "modèle protocole préjudiciaire + Barreau" in a search engine like Google. It is only available in French at the time of writing.

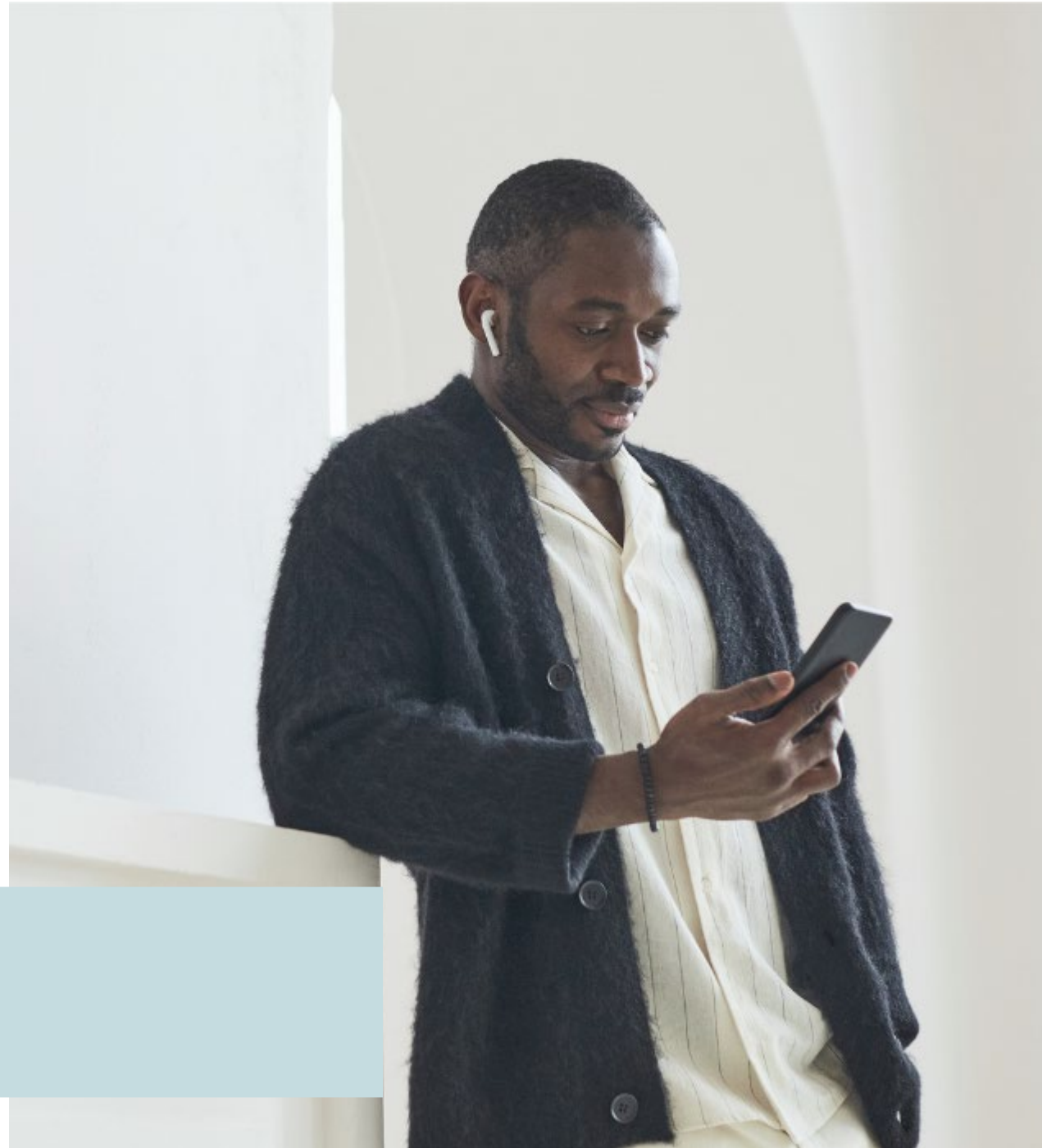
For your case to be granted priority, the protocol must be:

- signed by both parties.
- filed in the court record at the same time as the lawsuit.

### Need help filling it out?

A Community Justice Center lawyer can help you for free ([justicedeproximite.qc.ca/en](https://justicedeproximite.qc.ca/en)).





## 5 Ask a lawyer for help... or not

Only a lawyer is allowed to speak for you or act for you in court, not even a family member.

Generally, a lawyer can represent you in all the procedures involved in a conflict.

Having a lawyer represent you is usually a right, not an obligation, except in the following cases:

- In Small Claims Court, being represented by a lawyer is not allowed<sup>3</sup>.
- For legal persons (such as companies, corporations, condo associations or non-profit organizations), being represented by a lawyer in court is mandatory.

You don't know any lawyers? Groups and associations of lawyers provide referral services by area of law and by region. For more information, consult the "[Referral Services](#)" on the Barreau du Québec website. You can find them by typing "Referral services Barreau du Québec" in a search engine like Google.

Please note that if the other party is represented by a lawyer, you will interact with a professional who knows the appropriate rules of law and procedure. They will be obligated to give you correct information, but you won't be able to count on their advice or assistance because they must defend their client's interests.

<sup>3</sup>. Reminder: this guide is not intended for someone whose case will be heard in Small Claims Court.

## Too expensive? Options to consider

You might not have enough money to pay a lawyer. Whether by force or by choice, you can represent yourself in civil courts in Québec.

Without a lawyer, you'll have to complete all the tasks explained in this guide yourself.

Laws and rules of procedure can be hard to understand, and you can quickly feel lost. It's important to know that they apply equally to everyone. Unfortunately, the court won't treat you differently if you represent yourself. You'll have to find out what rules to follow, understand these rules and respect them.

Before concluding that you don't have enough money for a lawyer, consider the following options:

1. Legal aid.
2. Legal assistance and legal expense insurance.
3. A brief consultation or specific mandate with a lawyer.
4. Referral services.

### 1. Legal aid

You might be entitled to legal aid, which lets you be represented by a lawyer paid for by the government.

To find out if you are eligible, contact your local legal aid center, or consult the [Commission des services juridiques](#) website.

### 2. Legal assistance and legal expense insurance

Some home insurance and car insurance policies offer a form of coverage called "legal expense insurance". This coverage lets you claim a portion of your legal fees in some circumstances.

Your defence expenses might be covered. And if the court finds you responsible, your insurance might even fully or partially cover the amount you are ordered to pay.

In addition, most insurers also offer "legal assistance", which gives you access to an information phone line where you can talk to lawyers working for your insurer.

Members of some groups or organizations, such as unions, can also sometimes get legal assistance.

Consult the "[Legal Assistance and Legal Expense Insurance](#)" section on the Barreau du Québec website for more information. To find it, type "Legal assistance and legal expense insurance" in a search engine like Google.

### 3. A brief consultation or specific mandate with a lawyer

If you're working alone on your case or representing yourself in court, you can still consult a lawyer, even if only for a few hours.

This can be especially useful at the start of the process, but you can ask for this type of help at any time. If you have limited resources, choose a moment that will give you the most value for your money.

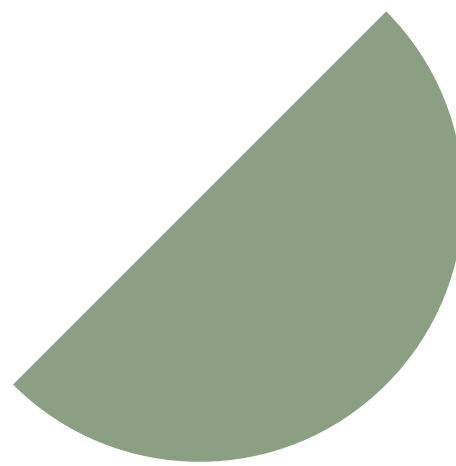
You can also consult a lawyer briefly to find out how much it would cost for them to represent or assist you, either for the whole case or a portion.

Talk with a lawyer to find out if it's possible to negotiate their fees. In some cases, a lawyer can agree to work for a fixed fee or accept other terms that are helpful for you.

### 4. Referral services

Some referral services offer an initial consultation for free or at a low cost.

You can learn more about these services on the [Barreau du Québec](#) website (in the Find a lawyer menu option) at [barreau.qc.ca/en](http://barreau.qc.ca/en).



# Filing a lawsuit (originating application)

Filing a lawsuit is the starting point of a civil case. This judicial procedure is called an "originating application".

Here is how to file your lawsuit:

## 1 Determine the right court

Before filing your lawsuit, you must determine which court of law can hear your case. If you file your application with the wrong court, they might refuse to hear it.

To find the correct court for your case, you must understand the applicable law, especially the [Code of Civil Procedure](#). You can also read the "Civil Suits" document on the Québec Justice Ministry website. To find it, type "What court will hear your civil case Québec" in a search engine like Google.

### For claims of \$15,001 to \$74,999:

You must generally file your application with the Court of Québec<sup>4</sup>.

### For claims between \$75,000 and \$99,999:

You can choose whether to file your application with the Court of Québec or in Superior Court. The rules that apply to each court are different.

### For claims of \$100,000 or more:

You must generally file your application in Superior Court.

**It's important to note that it's not always a question of money.** Other courts might have exclusive jurisdiction on certain matters.

## 2 Determine the right courthouse (judicial district)

You must also determine the right place to file your lawsuit.

The province is divided into judicial districts. There is a courthouse in each judicial district.

You must generally file your lawsuit in the judicial district where the person you want to sue lives. If you want to sue a business, your application must be filed somewhere the company operates.

Other rules that could change the correct place to file a claim might apply. For example, for a lawsuit between a consumer and a retailer, the application can be filed in the consumer's judicial district.

To find the right judicial district for your lawsuit, you can ask a lawyer for free at a Community Justice Center ([justicedeproximite.qc.ca/en](http://justicedeproximite.qc.ca/en)).

If you want to know what judicial district a municipality is a part of, search for it on the [Ministry of Justice](#) website. You can find the search page by typing "search for a judicial district Ministry of Justice" in a search engine such as Google.

4. For a claim of \$15,000 or less, The Small Claims Division at the Court of Québec can be a good option. Since it's a court where people are not represented by lawyers, the rules are simpler.

If the amount of damages you incurred is higher than \$15,000, you are allowed to reduce the amount of your claim to \$15,000. This allows you to file your lawsuit in Small Claims Court.

If you decide to sue in small claims court, this guide does not apply to you. You can find information on the Justice Ministry's website at [quebec.ca/en/justice-and-civil-status/small-claims](http://quebec.ca/en/justice-and-civil-status/small-claims).



# 3 Write your lawsuit (the originating application)

The lawsuit, or "originating application" (its official name), must respect some formal rules.

## 1. Explain the important facts

You must write down all the important facts—and only the facts—on which you are basing your lawsuit. Make sure you answer these questions : Who? When? How?

## 2. Write briefly, chronologically and politely

Write down these facts using short paragraphs. It's best to be brief and describe events in the order they happened.

You must always be polite. Never accuse, insult or threaten the opposing party.

If you are filing your application with the Court of Québec, it must not be longer than five (5) pages.

## 3. Specify what you want (the conclusions)

Clearly specify what you would like from the judge. These are called conclusions. For example, the payment of a sum of money, for a contract to be declared void, the return of an object, etc.

You can also claim certain fees related to the judicial process from the other party. To receive them, the judge must first find in your favour. You also have to ask for this compensation in your lawsuit. To do so, write the following sentence after all your other conclusions: "THE WHOLE, with costs".

## 4. Include the list of relevant documents

You must include the list of documents you want to use at trial to prove your case. This could include contracts, emails, letters, text messages, pictures, bills, order forms, etc.

These documents are called "exhibits". You must number them using a "code" for each document. Since you are the plaintiff, your documents must be identified by a code starting with the letter P, such as P-1, P-2, and P-3. This lets everyone quickly find the right document when referring to it between themselves or before the judge.

- For the Court of Québec: You must send the other party a copy of these documents within 20 days after your lawsuit has been served by a bailiff (see step 6 on page 29).
- The other party may ask for a copy of these documents before the trial. You are obligated to comply. In any case, before the trial, you must file a copy in the court record, which is kept at the court office (at the courthouse).

## 5. Complete other important documents

Your lawsuit must be accompanied by other documents:

- A summons, which explains the next steps to the defendant.
- A backing, which must be on the back of the final page of the document. It's a short form that summarizes what can be found in the document. (see page 80)
- A certificate proving you participated in a private dispute and resolution process, if that's the case (see page 12).
- Your pre-court protocol, if you have one (see page 18).

In the final pages of this guide, you can find a model application to help you draft your lawsuit. You can also find templates for the other documents you will need.

Since most cases are public, you can look up an actual case file to find an example that better fits your situation.

Here's how to do that:

1. Do some legal research to find decisions on cases with similar facts. If you don't know how to conduct such research, read the "[How to do your own legal research](#)" guide on the Community Justice Centers website. To find it, type "how to do your own legal research site: justicedeproxitite.qc.ca" in a search engine like Google.
2. Look up the case file number and make sure it is kept in a judicial district near you.
3. Go to the courthouse in that judicial district to consult the case files.

## 4 File your application

Once your originating application is complete, you can file your claim in person or online:

- In person: go to the court office. Bring three copies with you and make sure to date them.

There is a court office at every courthouse. That's where all proceedings are filed and the court's records are kept.

- You can also make your request online by using the [digital office](#). To access it, type "Greffé numérique - Gouvernement du Québec" in a search engine such as Google and go to the English version of the site.

## 5 Pay the court costs

Filing a lawsuit costs money. This is known as the court costs. The government establishes the tariffs.

### How much does it cost?

The fee for filing an originating application depends on its type and the amount you are claiming. The cost is usually a few hundred dollars.

To find out the amount that applies to you, visit the [Ministry of Justice](#) website. You can find it by typing "tariff of court costs response in civil matters" in a search engine like Google.

Make sure to keep all the receipts for your court costs while preparing your case. If the judge finds in your favour at trial, you might be reimbursed.

### Where do you pay?

You must pay the court costs at the court office when you file your originating application, or online if you use the digital office.

## 6 Inform the other party (service)

Once you have filed your application at the court office, you must inform the other party of the proceedings.

### This is how it's done:

1. You must give a copy of your application to a bailiff, who will deliver it to the party being sued. This step is mandatory. You cannot do it yourself. You can find a bailiff on the Chambre des huissiers de justice du Québec website ([chjq.ca](#)).
2. You must pay the bailiff fees.
3. The bailiff will give you proof that the other party has received a copy of your application. This proof is called a "bailiff's report".
4. You must file the bailiff's report at the court office of the courthouse.

The other party must then respond to your lawsuit. If you do not receive their answer within the time limit, you can ask for a default judgment. A default judgment is rendered after a trial where the defendant is not heard.

To find out how to obtain a default judgment, you can contact a lawyer for free at a Community Justice Center ([justicedeproximite.qc.ca/en](#)).







## 7 Extra steps for the Court of Québec

Is your case in Superior Court? This does not apply to you.

### For Court of Québec cases only, you must also:

- send the other party the documents you want to use at trial to prove your case (your exhibits). Keep the proof of receipt. This is called "notification" (see page 35).
- fill out [form SJ-1273A](#) and file it with the court office.

This form is available on the Court of Québec website. To find it, type "SJ-1273A Court of Québec" in a search engine like Google. Its full name is "Notice under articles 535.4, 535.6 and 535.7 C.C.P.". It will be in the civil division section.

After notifying the other party of your claims (step 6), you have a maximum of 20 days to complete these two steps.

# Receiving notice of a lawsuit

## Are you being sued? Answer!

If you receive notice of a lawsuit, it's essential to read it carefully and file your answer within the time limit.

### Here is how to file your response:

1. Download the answer form. Two different forms are available. Make sure to pick the right one for your case:
  - For the Court of Québec:  
Answer - Simplified Procedure ([SJ-1272A](#)).
  - For Superior Court:  
Answer ([SJ-554A](#)).You can find them in the "Forms and models/Your disputes" section of Justice Québec's [Documentation Center](#) ([justice.gouv.qc.ca/en](http://justice.gouv.qc.ca/en)).
2. You must state if you wish to settle the case (find an agreement) or contest it. You don't have to give the reasons for which you disagree with the claims.

3. You can propose mediation or a settlement conference, even if you want to settle the case.
4. You must include your contact information or that of your lawyer, if you have one.
5. You must send your answer to the plaintiff or their lawyer by any means that lets you prove it was received. For example, you can use email with read receipt, registered mail or fax. This is called notification.
6. You must file your answer at the court office with proof of receipt by the plaintiff.
7. You must pay the court costs.

If you do not file your answer within the time limit, a judgment can be rendered against you without you being able to defend your rights in court. This would be a default judgment.

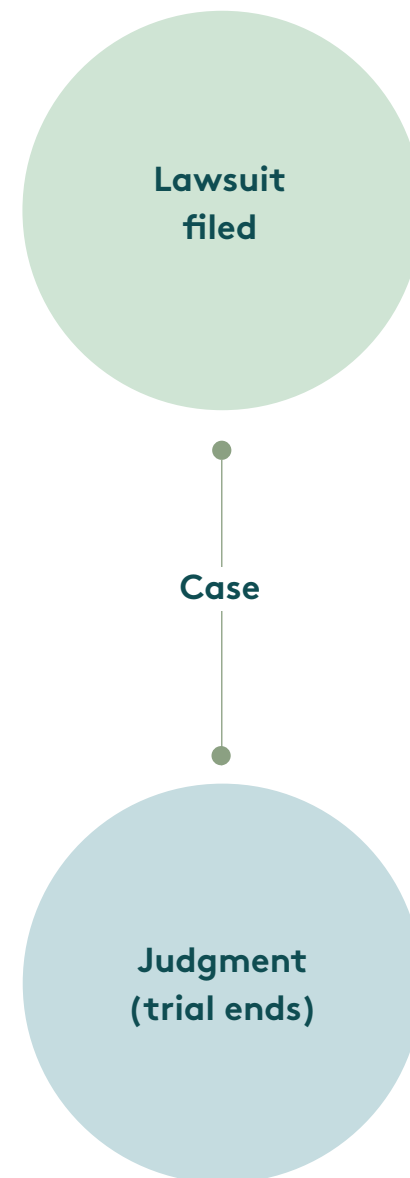


# Preparing your case

There are many steps from the moment a lawsuit is filed to the final judgment. Taken together, these steps are called the case.

During the case, each party is responsible for moving their part of the case forward.

Normally, all the steps needed to prepare your case must be completed within six months. After that, you will be waiting for a court date.



## But first: understanding notification

At different times during the case, you will have to give notification to the other party.

But what exactly is notification?

We all know about the notifications that pop up on our phones and computers. They let us know something new has happened.

Judicial notification is similar. You must "notify" the other parties before filing new documents in the court record.

To do so, you have to send the document in a way that lets you prove it was received. For example, by email with read receipt, by registered mail or by fax.

To send a document to a party not represented by a lawyer, you have to obtain their consent or ask the court for authorization to use notification by email.

If a document is meant for multiple people, notification must be done for each of them individually.

Then, a copy of the document must be filed at the court office with proof of notification. Many formal steps must be respected for notification to be valid. You can contact a lawyer for free at a [Community Justice Center](https://justicedeproxitte.qc.ca/en) (justicedeproxitte.qc.ca/en) for more information.

# 1 Find the right documents

You will have to fill out many forms and find model documents to prepare your case file. Unfortunately, the forms are different from one region to another and from one court to the next. You have to make sure you choose the right documents.

## In the Court of Québec

Generally, the same forms are used throughout Québec. To find them, read the “Relevant Documents for all Regions” section in the Documentation Center tab of the [Court of Québec](#) website.

Still, some rules are specific to certain regions. To find out which apply to you, read the Regional Particularities section in the Documentation Center tab of the [Court of Québec](#) website.

If you aren't sure which documents you need to complete part of your file, you can talk to a lawyer for free at a [Community Justice Center](#) in your region ([justicedeproximite.qc.ca/en](http://justicedeproximite.qc.ca/en)).

## In Superior Court

If you have a case in Superior Court, it's important to know if your judicial district is in the Montréal Division or the Québec Division. The rules and documents are different from one to the other. Generally, the western parts of Québec belong to the Montréal Division and the eastern parts to the Québec Division.

To find out which division your judicial district belongs to, go to the Superior Court of Québec website ([coursuperieureduquebec.ca/en/](http://coursuperieureduquebec.ca/en/)). Hover over the Montréal Division or Québec Division tab, then over the "Judicial district" item in the scrolling menu. You will find your judicial district listed in one division or the other.

Your courthouse might also have its own specific rules. Make sure to click on the correct courthouse name to find out what they are.



## Montréal Division

### Districts

- Montréal
- Beauharnois (Salaberry-de-Valleyfield)
- Bedford (Cowansville)
- Bedford (Granby)
- Drummond (Drummondville)
- Gatineau
- Iberville (Saint-Jean-sur-Richelieu)
- Joliette
- Labelle (Maniwaki)
- Labelle (Mont-Laurier)
- Laval
- Longueuil
- Mégantic (Lac-Mégantic)
- Pontiac (Campbell's Bay)
- Richelieu (Sorel-Tracy)
- Saint-François (Sherbrooke)
- Saint-Hyacinthe
- Terrebonne (Saint-Jérôme)



## Québec Division

### Districts

- Québec
- Abitibi (Amos, Kuujuaq, Chisasibi, Kuujuarapik et Puvirnituaq)
- Abitibi (Chibougamau)
- Abitibi (Val-d'Or)
- Alma
- Arthabaska
- Baie-Comeau
- Beauce
- Bonaventure
- Charlevoix
- Chicoutimi
- Frontenac
- Gaspé (Îles-de-la-Madeleine)
- Gaspé (Percé)
- Gaspé (Sainte-Anne-des-Monts)
- Kamouraska
- Mingan
- Montmagny
- Rimouski

## 2 Set a schedule

### Court of Québec: A predetermined schedule

Has your case been filed in Superior Court? This section does not concern you.

For Court of Québec cases, the deadlines that you must meet are already set out in the Code of Civil Procedure.

The countdown for these deadlines starts on the day when all the parties have received a copy of the lawsuit and the summons that accompanied it. This is called "service of the summons".

Each step will be explained in the next sections of the guide.

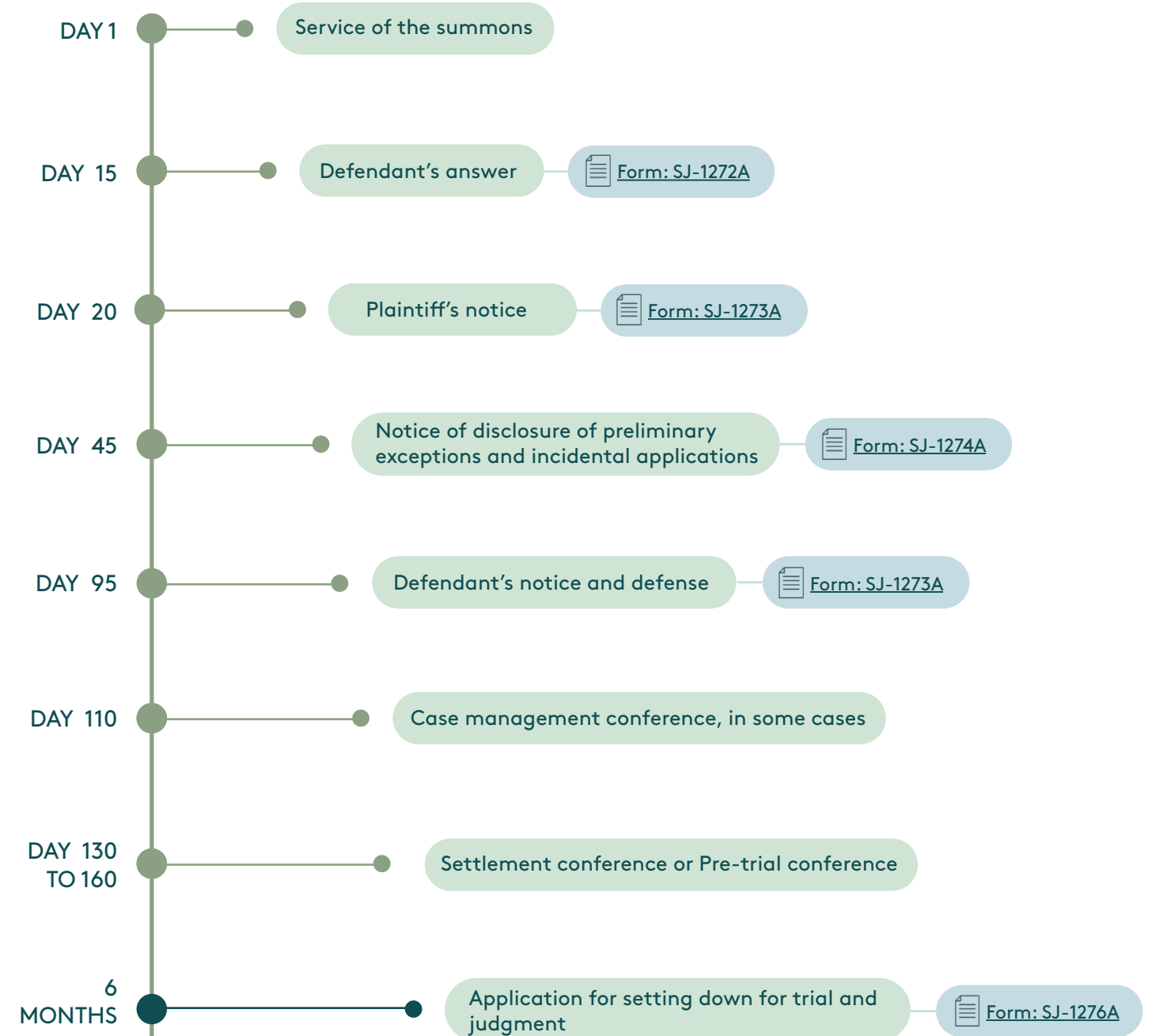
The forms you must fill out are available in the Documentation Center of the Court of Québec website ([courduquebec.ca/en](http://courduquebec.ca/en)).

#### How to calculate the deadlines:

The day the summons was served does not count. Each day that follows counts, including holidays and weekends. But the deadline itself is postponed until the next working day if it would fall on a weekend or a holiday.

#### Steps and deadlines

Sections 535.1 to 535.15 Code of Civil Procedure (C.C.P)



## Superior Court: The case protocol

Has your case been filed with the Court of Québec? This section does not concern you.

First, you must set a schedule for the next steps. This schedule is called the "case protocol". It must be drawn up jointly by the plaintiff and the defendant.

The case protocol must be filled out using a form. You can ask for it at the court office of your courthouse. It's also available online, but make sure you select the correct form. There are three different versions, depending on the court and the judicial division:

### Superior Court

- [Québec Division:  
Case protocol in civil matters](#)
- [Montréal Division:  
Case protocol in civil matters](#)

A deadline must be set for each step in the schedule.

You can find these forms by using a search engine like Google. Type "case protocol Court of Québec" or "case protocol Superior Court Montréal Division" or "case protocol Superior Court Québec Division".



### If you agree:

You have 45 days from the moment both parties have been informed of the lawsuit to complete the following two tasks:

- Sign the protocol.
- File the protocol at the court office.

To find out how to calculate this 45-day time limit, you can use the [Calculateur de délais en matière civile](#), only available in French at the time of writing. To find it, type "calculateur de délais en matière civile" in a search engine such as Google.

### If you disagree:

You must do three things:

- Complete your part of the protocol.
- Notify the other party that you have done so.
- File the protocol and proof of notification at the court office within the 45-day time limit.

You may then be called before a judge to discuss the case with them and establish time limits. It's also possible that the judge will decide the time limits on their own.

## 3 Prepare your case file

It can be helpful to keep a copy of everything filed in the court record, whether by you or the other party.



The court is not responsible for your recordkeeping. Ideally, your personal case file should be an exact copy of the court record. You will then have access to all the documents, and it will be easier to follow during the trial.

Did you know you can consult the court record at the court office with your case number? That way, you can make sure your own case file is identical to the court record.

## 4 Ask the judge to settle disputes

It can be hard to agree with the other party on how to plan the trial. If that happens, you must go to court so a judge can decide the matter.

### Case management conference

#### What it is:

A case management conference allows the judge to move matters along when the case stalls.

For example:

- The other party is not respecting the time limits set out in the protocol, and the case stops moving forward.
- You want to question a witness before the trial, but the other party refuses.

During the conference, the judge can make decisions to ensure the case progresses properly until the trial. These decisions can include specific orders to the other party.

Your presence is mandatory if you are called to a case management conference. Being absent without justification can have consequences.

#### How to ask for one:

- For Court of Québec cases where one of the parties is not represented by a lawyer: You will be called by the Court to a case management conference. You will be notified within 110 days after service of the summons. If you think it's necessary, you can also ask for a case management conference to be held before the Court calls one.
- In other situations (Court of Québec and Superior Court): You can usually request a conference by filling out a form called a notice of case management. You must then notify the other party and file the form at the court office. Please note that the procedure can vary in different judicial districts.

To learn the rules for your district, contact a lawyer for free at a Community Justice Center ([justicedeproximite.qc.ca/en](https://justicedeproximite.qc.ca/en)).

## Preliminary objections

### What they are:

Before the trial, it's possible to make certain requests to the judge. These are called "preliminary exceptions" or "preliminary objections".

For example:

- The defendant believes the lawsuit was not filed in the right court or judicial district.
- The defendant believes the lawsuit should be rejected because it was filed too late, and the right to sue has expired (the prescription time limit has passed).
- The plaintiff wants more details about some elements of the defence.

### How to make a request:

Here is the procedure in short:

1. Write your request.
2. Join a notice of application to your request specifying when the request will be presented to a judge. The rules can vary between judicial districts.
3. Join an affidavit, a sworn statement that everything you wrote in your application is true.
4. If your case is with the Court of Québec: you must also join a Notice of disclosure ([form SJ-1274A](#)) which is properly filled out.
5. Add a backing at the very end of the document.

6. Send a copy to the other party (notification).
7. File your request and proof of notification with the court office.

If your case is with the Court of Québec: you must file your request within 45 days after service of the summons. If this is not possible, you must do so as soon as you can, before the application for setting down for trial and judgment.

To learn about the rules specific to your district, contact a lawyer for free at a Community Justice Center ([justicedeproximite.qc.ca/en](http://justicedeproximite.qc.ca/en)).

### How it takes place:

Before the trial, most hearings are virtual or semi-virtual.

Visit the [Court of Québec](#) or [Superior Court](#) website for relevant rules and procedures.

Find them using a search engine like Google by typing "virtual audience court of Québec" or "virtual audience superior court of Québec".

## 5 Attend a settlement conference

### What it is:

A settlement conference is a meeting presided over by a judge who acts as a mediator. The judge makes no decisions and does not determine who is right.

The goal of the conference is to help the parties :

- communicate.
- negotiate.
- express their needs.
- understand each other's position.
- look for solutions that satisfy everyone.

Such a conference can help you settle your conflict, avoid a trial and save time and money.

A settlement conference usually takes place at the courthouse. Your presence is mandatory, and the conference is free of charge.

### How to ask for it:

#### Court of Québec:

The court will call you to a conference between the 130th day and 160th day after the service of the summons.

In some circumstances, the settlement conference can be replaced with a pre-trial conference.

This type of conference is held with a judge. It allows the parties to discuss what needs to be done to prepare the trial, and possibly what can make it shorter.

Both parties must agree to replace the settlement conference with a pre-trial conference. This is when it's possible to do so:

- If you've already taken part in another settlement conference during the case.
- If you have a certificate proving that you participated in a private dispute prevention and resolution process (mediation). This certificate must have been filed at the court office with your lawsuit.
- If you have prepared a pre-court protocol.
- If the court believes it is justified.

The parties can also ask to take part in a settlement conference before they are called to do so by the court. For this, you must fill out the appropriate form.

This form can be found at the courthouse or online: "[Joint Request for a Settlement Conference in a Civil Case](#)".



**Superior Court:**

You can ask to take part in a settlement conference either by:

- checking the appropriate box in the case protocol.
- filling out the appropriate form. This form is available at the courthouse or online. Make sure to use the right form. There are two different forms, depending on the judicial district:

**Québec Division**

<https://coursu-perieureduquebec.ca/en/quebec-division/settlement-conference-chamber>

**Montréal Division**

<https://coursu-perieureduquebec.ca/en/montreal-division/settlement-conference-chamber>

You can find these forms in a search engine like Google. Type "settlement conference civil case" as well as the appropriate court and division: "Court of Québec", "Superior Court Montréal division" or "Superior Court Québec division".

You can agree to take part in a settlement conference at any time before the trial.

**What happens next?**

If matters are settled, an agreement will be drafted and signed.

This agreement must be respected and puts an end to judicial proceedings.

If the conference doesn't resolve the dispute, nobody can reveal any information exchanged. Everything that was said remains confidential. The case continues, and the trial will be held before a different judge.

For Court of Québec cases only, if the settlement conference fails, it can be changed to a pre-court conference.

## 6 Get more information in a pre-trial examination

**What it is:**

The pre-trial examination is a procedure that allows you to question the opposing party before the trial. It's a key step if you need more information about what the other party is requesting or if you need to obtain documents related to the case.

Please note: a pre-trial examination is only possible when the amount claimed is over \$50,000.

**When:**

The defendant usually asks their questions first. Their goal is to get more information about the demands so they can prepare their defence.

The plaintiff will be allowed to ask questions later, after being informed of the defence.

The deadlines for these examinations can be either:

- agreed to by both parties.
- set out in the case protocol (only in Superior Court).
- set by the Court.

**How it takes place:**

The judge does not attend the pre-trial examination. It usually takes place in a room at the courthouse or at the office of one of the parties' lawyers. The party being questioned swears to tell the truth.

The examination is recorded and written down in shorthand by a stenographer.

The interrogating party must book and pay the stenographer.

**Who is questioned (the witnesses):**

Both parties in the case must make themselves available for an examination.

Other people, called "third parties", can also be questioned if they accept. The other party must also agree. Otherwise, the judge must authorize the examination.

Prepare your questions and document requests in advance.

**Its use at trial:**

The stenographic notes serve as proof of what was said during the pre-trial examination. The notes must therefore be filed in the court record, which is kept at the court office.

Both parties are free to use the stenographic notes from their examinations at trial. The witness does not get to make that decision.



# 7 Defendant's documents

## The defence (statement of the grounds)

The defence is a document that outlines the defendant's arguments.

Usually, the defence takes the form of a proceeding called "statement of the grounds of defence". It can also be called an "oral defence", even if written down.

If the defendant neglects to file their defence in time, judgment can be rendered against them without being heard by the judge. A Community Service Center lawyer can explain for free the steps required to obtain such a judgment ([justicedeproximite.qc.ca/en](https://justicedeproximite.qc.ca/en)).

### Are you the defendant?

#### This information is for you:

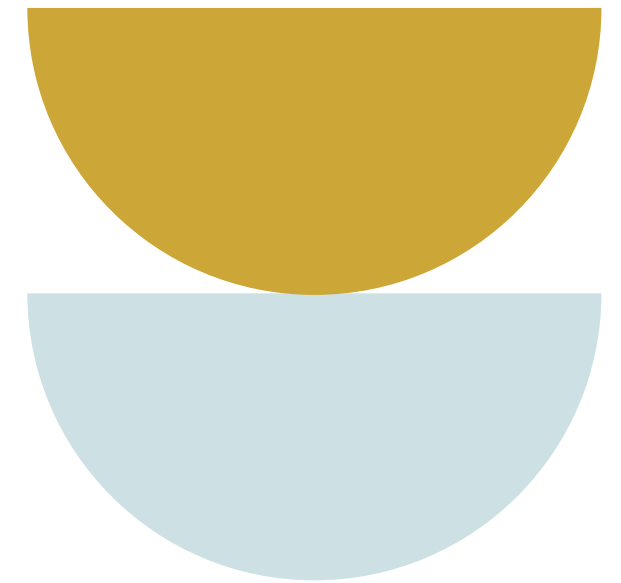
- The precise form your defence must take varies from one court to the next. Ask the court office for the rules that apply to your case.
- If you file an exhibit into the court record, you must specify a "code" for each document, such as D-1, D-2, or D-3. This allows everyone to quickly find the right document when you refer to it between yourselves or before the judge.
- If your case is with the Court of Québec, your defence must not exceed two pages. You must also join a Notice ([form SJ-1273A](#)) which is properly filled out.
- You must notify the other party of your defence and file it at the court office.
- **Court of Québec:** you must file your defence and the notice within 95 days after service of the summons. You must also transmit a copy of your exhibits to the plaintiff within the same time limit.
- **Superior Court:** you must file your defence within the time limit set out in the case protocol.

## The cross-application

When the defendant wants to countersue the plaintiff in the same case, they can file a cross-application.

The cross-application is part of the same document as the defence but is laid out in another section.

If the case is brought before the Court of Québec: the defence and counterclaim must not exceed a total of 7 pages in total.



## 8 Make sure you have all the evidence

At this point, you must make sure you have everything you need to prove your case in court.

To do so, make a complete list of all the evidence you will bring to trial (your exhibits). This could include pictures, text messages, letters, contracts, etc.

You must also have a list of witnesses you want to be heard at the trial.

To figure out what witnesses you'll need, ask yourself the following questions:

- What are the essential facts you want to prove?
- Which person has firsthand knowledge of these facts and can explain them at trial, in whole or in part?
- Who is the author of the documents you want to present as evidence? Who has signed them?
- Do you need more than one witness to establish the whole chain of events?
- Who might the opposing party call as a witness? What might they tell the court?
- Who could contradict their testimony, whether entirely or only in part?



## 9 Inform the court that your case is ready

When you have completed all the steps in your schedule (the case protocol), you can fill out an "application for setting down for trial and judgment". This request lets the court know that your case is ready to be heard by a judge.

All the parties to the dispute must complete and sign the application for setting down. If it is not possible to complete this form with the other parties, you must fill it out alone and file it in the court record.

### Finding the form:

Different courts use different forms:

#### Court of Québec

[Trial readiness form \(SJ-1276A\)](#)

#### Superior Court of Québec

Québec Division: [Demande d'inscription pour instruction et jugement par déclaration commune](#)

Montréal Division: [Demande d'inscription pour instruction et jugement par déclaration commune](#)

You can find these documents by using a search engine like Google. Write "trial readiness form SJ1276A court of Québec", "demande d'inscription pour instruction et jugement cour supérieure Montréal division", or "demande d'inscription pour instruction et jugement cour supérieure Québec division". Please note that the Superior Court versions are only available online in French at the time of writing.

### Filing the form:

The application for setting down must be filed at the court office within the time limit. This depends on the court:

- If your case is with the Court of Québec: the deadline is six months after service of the summons.
- If your case is in Superior Court: the deadline is set out in the court protocol.

You must pay court fees at this point. You must also pay court fees for each day of the trial.

If you are the plaintiff and know that you cannot file the form on time, you can make a written request to the court for a delay. Make sure you do this in advance because you must obtain the court's authorization before the time limit expires. If the deadline has passed, it will be considered that you have abandoned your case.

# 10

## Get a trial date (with the calling of the roll)

When all the previous steps have been completed, you will receive an attestation of readiness confirming that your case is ready for trial.

You will then be invited to the calling of the roll.

### What it is:

The calling of the roll is a hearing. It can take place by phone, by videoconference, or in person in a courtroom.

During this hearing, the cases that are ready to be heard are discussed one by one. Normally, a trial date is then set for a moment when the court is available.

### How it takes place:

You must answer questions from the judge or the special clerk. The special clerk is a courthouse lawyer who has the power to make certain decisions, as a judge might do.

They could ask you, for example, how much time you believe you will need to present your case before a judge at trial. You might also be asked to explain the nature of your lawsuit.

Before the hearing, make sure you know when your witnesses will be available so the trial can be scheduled on a suitable date for them.

You will get more details about the calling of the roll in the invitation you will receive.



# Preparing the trial

You must prepare well for your trial.

If possible, consult a lawyer to make sure you are on the right track. They could help you plan your strategy and determine:

- what you need to insist on to prove your case.
- how to present your evidence and arguments.
- the rules of evidence that apply to your case.

Whether or not you get help from a lawyer, you have a lot to prepare for the big day. Don't wait until the last minute. All the steps should be complete about a month before the trial date.

Here are five important steps to prepare for the trial.



## 1 Understand the relevant law

### Do more advanced legal research

To know what you need to prove to the judge, you must understand the law that applies to your situation. You should consult three types of sources for your research to be thorough:

- The law.
- Court decisions about cases like yours. This is called "jurisprudence" or "case law".
- Theoretical texts by specialized authors. This is called "doctrine".

Read the "[How to do your own legal research](#)" guide on the Community Justice Centers website to learn about them. You can find it by typing "how to do your own legal research site: justicedeproxitite.qc.ca" in a search engine like Google.

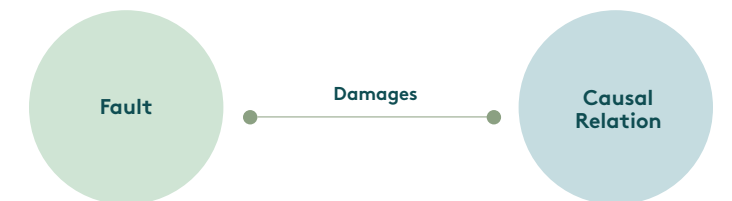
You can use case law or doctrine as an argument during the trial. To do so, you must have enough copies of the relevant text for yourself, the judge, and all the other parties.

Remember: you might be convinced you are right, but the law might say otherwise.

### Determine what you need to prove

As you read the relevant law, jurisprudence and doctrine, try to identify the legal notions that must be proved in a case like yours.

For example, in a civil liability lawsuit, the plaintiff must prove that the other party has committed a fault, that they have suffered damages, and that the fault and the damages are related.



For another type of lawsuit, such as one dealing with latent defects, the proof needed will be different.

Make sure you have enough witnesses and documents for each item you need to prove.

## 2 Prepare your witnesses

To convince the judge at trial, you can testify yourself. You can also ask for other people to be heard.

### The witness who says what they saw or heard

Someone who talks about facts they have seen, heard or observed firsthand is called an "ordinary witness". This is to distinguish them from "expert witnesses". An ordinary witness cannot give their opinion.

#### Pay your witnesses

You must pay an indemnity in advance to your witnesses for their first day in court. This indemnity compensates them for their travel, meals and lodging as well as for their time. The rest of the indemnity can be paid after the trial.

The indemnity amount is set by the government. Ask the court office or the bailiff how much you need to pay your witnesses.

#### Prepare them to be present

Contact your witnesses to remind them that their presence will be required at the trial.

If a witness does not want to come, you must have a bailiff serve them a subpoena (call to appear as a witness) at least ten days before the trial date.

A model subpoena is available on the [Ministry of Justice](#) website. To find it, type "Subpoena (call to appear as a witness) SJ-282A" in a search engine like Google.

#### Prepare their testimony

During the trial, you will ask your witnesses questions that let them clearly explain their version of the facts.

Here is how you can prepare:

- Identify what each witness needs to prove.
- Prepare a list of questions for each witness.
- Meet each witness in advance to make sure you know their exact version of the facts.
- Set up a meeting to practice questioning each witness. Note their answers during this meeting.

You can always decide that you no longer wish to have a witness be heard. For example, you might discover that their version of the facts favours you less than you thought.



The witness who says what they saw or heard



The expert witness who gives their opinion



The other party's witnesses

### The expert witness who gives their opinion

An expert is someone whose qualifications or special knowledge about a subject allow them to formulate an opinion. For example, a doctor could evaluate the physical harm you or the victim suffered.

An expert witness writes an "expert report". The expert report must be brief but sufficiently detailed and justified for the judge to understand it. The expert must specify what method of analysis they used. If the expert has gathered testimony, it must be included in the report because it serves as evidence.

The expert witness doesn't usually need to testify in court, but their report needs to be sufficiently precise. It must be sent to the other parties and filed in the court record.

You can still choose to have them be heard so that they can explain specific details or give their opinion on new evidence that may be introduced. The opposing party can also demand that your expert be present so that they can cross-examine them.

If they testify at trial, you must prove that they are a qualified expert. To do so, ask them questions about their CV that show their expertise. The other party can also ask them questions. The judge will then decide if they qualify as an expert.

### The other party's witnesses

Before the trial, you will receive a list of the people the other party wants to call as witnesses. You will be able to ask these people questions during the trial. Make sure you are ready. The goal is not to learn new information but to prove the weak points in the other party's case.

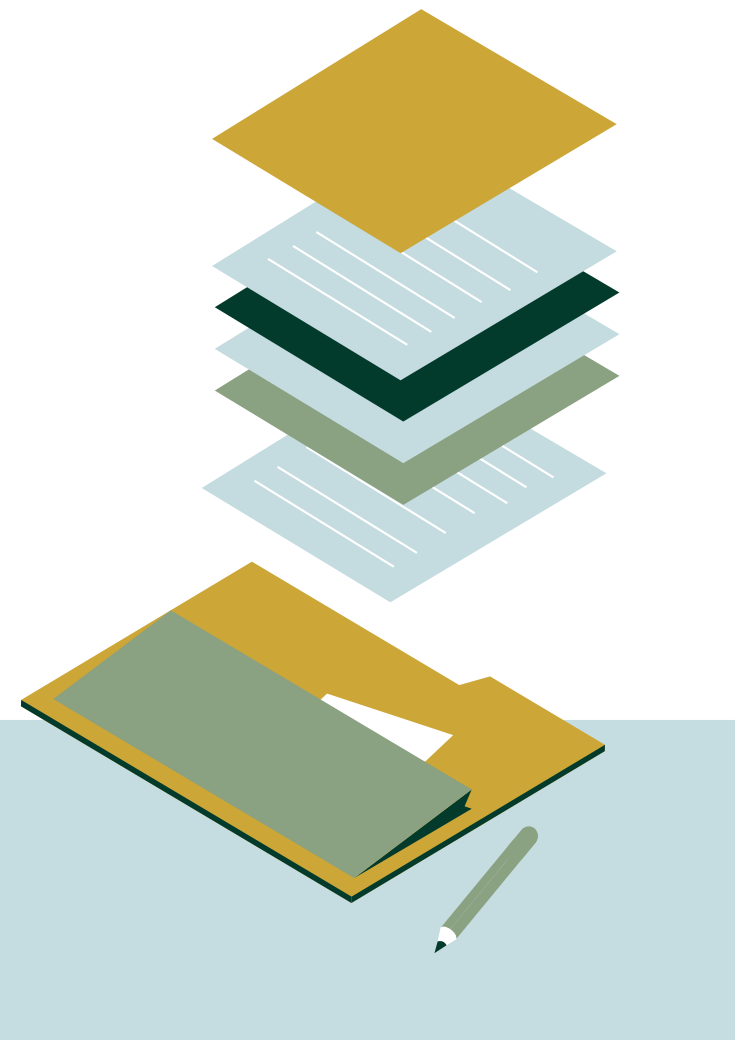
## 3 Review your case file

During the trial, you will have to convince the judge that you are right.

Make sure your case file contains all the elements the judge needs to understand your point of view.

Here are some suggestions to avoid forgetting anything:

- Make sure your files are well organized. Ideally, your personal files should be identical to the court record, with the same codes for the same documents.
- Reread the originating application to refresh your memory.
- All the documents (contracts, emails, letters, text messages, pictures, bills, order forms, expert reports, etc.) you want to use at trial must have been filed with the court office and sent to the other parties.



## 4 Bring everything you need

When you go to the courthouse, make sure you don't forget anything.

Here is a list of things that could be useful. None of this is mandatory, but these documents can be very helpful:

- A copy of your case file, including the originating application, the defence, and all the documents you and the other party have filed in the court record.
- A document laying out the order in which you will call your witnesses and present your exhibits.
- The list of questions you want to ask the witnesses.

Don't forget to bring the documents you must give the judge and the other party:

- A document summarizing your legal arguments.
- Copies of the case law and doctrine you want to present to the judge.

You must prepare enough copies for yourself, the judge and all the other parties.



# 5 Learn how to act in court

There are many formal rules of conduct to follow in a courtroom. It's important to know and respect them.

These rules are mandatory. Breaking them can have significant consequences. Imagine how you would feel if the judge criticized you for breaking one of these rules at trial. You don't want to deal with that kind of stress.

The rules apply at all times, even if it's not your turn to speak or if your trial takes place virtually.

Here are the main rules:

## Dress properly

You must pay attention to how you dress when you go to court. If your clothes are scruffy or inappropriate, the judge might even order you to get changed.

Your clothes must be neat and proper. Do not wear caps, hats, sandals, or inappropriately short clothing (shorts or skirts).

## Be silent and discreet

When you enter a courtroom, avoid making noise or drawing attention.

For example, you should:

- turn off your phone before entering the hearing room.
- abstain from bringing food or beverages.

You should also be aware that recording any sounds or images of the trial is forbidden.

## Stand when required

You must stand when the judge enters or leaves the courtroom.

You must also stand to speak to the judge or question witnesses.

## Speak with respect

Disrespectful behaviour will not be tolerated. You must use polite forms of address for everyone in the courtroom.

When you speak to the judge, call them "Judge (Last Name)".

When you speak to a lawyer, call them "Mr. (Last Name)" or "Ms. (Last Name)".

## Wait your turn

During the hearing, listen attentively and only interrupt if you want to object to the opposing party's questions.

You must wait your turn to speak. Ask the judge for permission to speak if you need to talk about something.

## Respect the judge's requests and decisions

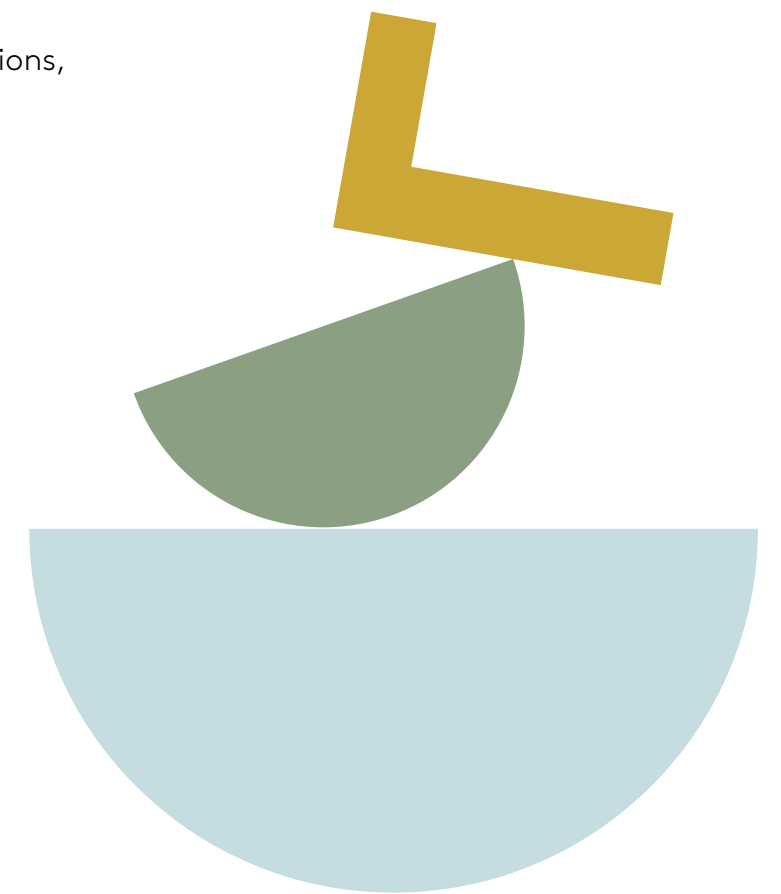
The judge is in charge of the hearing. Respect their decisions and obey their instructions.

The judge can ask you questions about the facts you are explaining. Even though you know your case very well, remember that the judge is hearing your story for the first time.

Some details might not seem important to you, but they may be crucial to the judge. Listen carefully to their remarks and questions, and try to answer as best you can.

The judge's interventions do not indicate that they think you're right or wrong, nor do they mean that the judge favours one side.

Finally, remember that the judge is the only person you are trying to convince at trial. Always talk to them directly and not to the opposing party unless you are questioning a witness.



# The trial: Main stages

## First moments in court

Don't be late for your trial! Get there early if you can.

Once you've found the room where your trial is being held, enter and sit in the section reserved for the public.

Here's how the first moments in the courtroom will go:

- The judge will be announced by name when they are about to enter the courtroom. You must then stand.
- If more than one case is scheduled for the same judge that day, the courthouse personnel will let you know when your turn will come.
- When the judge is ready to hear your case, you will be called by your case name (the names of the parties involved). Move forward and sit where indicated. Normally, the plaintiff sits to the judge's right and the defendant to the left.
- The lawyers and parties will then be asked to present themselves. You must state your name and confirm that you don't have a lawyer.



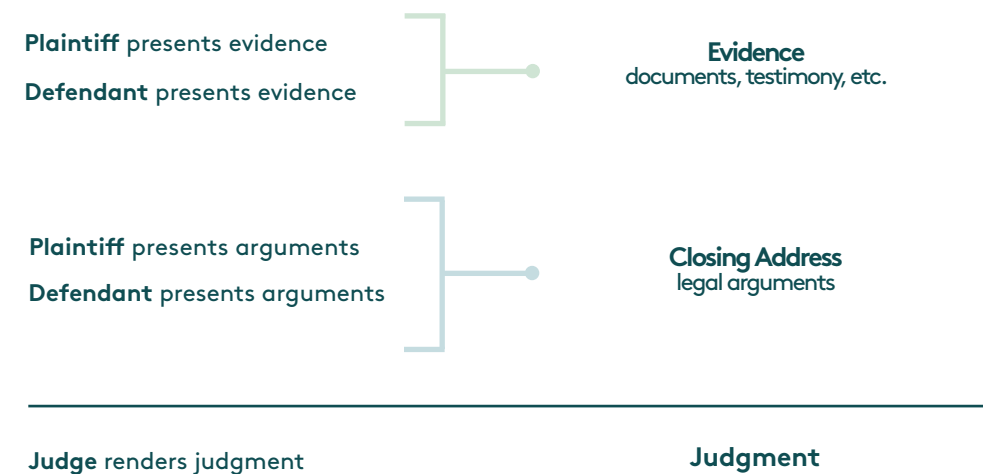
Here is what a courtroom looks like:



A trial can be stressful. Presenting your case to a judge can bring back painful emotions. If you are well prepared and know what's coming, your experience will be easier.

If you feel your emotions well up or you need a moment to gather your thoughts, you can ask the judge for a short break.

In general, a trial takes place in the following order:



# 1 Presenting the evidence

During the trial, each party presents their evidence in turn.

Your evidence is composed of all the elements that back your statements. These could be documents you've filed in the court record (like contracts, bank statements, bills, photos, and email exchanges) or witnesses who tell the court what they have seen or heard.

Try to present your evidence in the order events happened.

Pay attention to the judge if possible. If you see them writing while you're speaking, slow down so they can complete their notes and listen to what you say.

The judge might tell you that an item of evidence can't be presented because you are not respecting the relevant rules of evidence. You must listen to the judge and respect the rules. Otherwise, your evidence might be refused.

## Testimony

Testimony plays a vital role at trial.

The judge must decide if a witness is credible, if their story is consistent, and if the facts they state are relevant. Testimony is usually a critical factor in the judge's final decision.

### Examination-in-chief

The plaintiff is normally the first to call their witnesses.

All witnesses are sworn in before they testify, which means they promise to tell the truth. You can testify yourself. If so, you will be considered the first witness for your case. You must explain the facts relevant to your case which you know about firsthand.

Once you have finished your testimony, the other party can cross-examine you. This means that they can ask you questions. Make sure to answer calmly and stick to the truth. Don't try to invent something if you don't know the answer.

After you are done testifying, you will call your other witnesses. You must call them one by one in the order you previously set. They will testify individually. They are not normally present for the testimony of other witnesses.

Your questions must be direct, and you cannot use leading questions that suggest a desired answer. Here's a trick: ask questions starting with who, what, where, when, why or how. If you suggest an answer to your witnesses, the opposing party can object to your question.

### Cross-examination

After you have finished questioning your witnesses, the other party can also ask them questions. This is called cross-examination. During cross-examination, it's permitted to ask questions that suggest an answer.

When it's your turn, you can also choose to cross-examine the other party's witnesses.

During cross-examination, it's highly recommended to ask questions to which you know the answer. Otherwise, the answer might surprise you and strengthen the other party's case. If you don't know what the witness will answer, it might be wiser to avoid asking the question.

Remember, you never have to cross-examine a witness called by the opposing party. The best evidence is often the one you present using your own witnesses.

## Documents used as evidence

The documents, photographs and text messages you use as evidence are called "exhibits".

You must respect certain rules to be allowed to use your exhibits at trial. These rules help make sure that the exhibits have not been forged or altered

1. The exhibits must be presented by the person who authored them. For example, if you want to use a photo, you must ask the photographer to present it at the trial. To save them a trip to the courthouse, you can also have them sign a sworn statement in advance called "Statement in lieu of testimony", available on the Ministry of Justice website. To find it, type "Statement in lieu of testimony ([SJ-837A](#))" in a search engine like Google.
2. If the author is unavailable, the exhibits can be presented by someone with firsthand knowledge of them. For example, if it's impossible for the author of a photo to come to your trial, you could ask someone who was there when the picture was taken.

3. If that is also not possible, the other party could consent. For example, it might be difficult to have the person who photographed your building for Google Maps come to your trial. In that case, the other party can accept your evidence without contesting it.
4. The judge can authorize exhibits in some situations. If the other party refuses to consent to some evidence which is hard to contest, the judge may decide to allow it.

When you present your exhibits, your witnesses can give details about its contents. Plan your witnesses' testimony carefully to make sure they can testify about all the necessary documents. During your arguments (the next step), you will get to tell the judge how these exhibits support your point of view.

### Is your case with the Court of Québec?

You might not have to follow steps 1 and 2. In fact, your exhibits are normally presumed to be "accepted" by the other party. But they might specify they wish to contest them. This will normally be indicated in the application for setting down. If the other party contests your exhibits, you have to follow all the steps.

## 2 Legal arguments (closing address)

After the plaintiff and defendant have presented the evidence, it's time to present your legal arguments. This will be your last chance to speak.

The closing address is a short oral presentation where you present your arguments to the judge. The goal is to briefly summarize your evidence (exhibits and testimony) and convince the judge.

During your address, you must show how the facts you presented correspond to the relevant law. This is when you can present court decisions and legal texts that support your case. When you present your arguments, you are not allowed to introduce new facts or details that were not already established by your evidence unless the judge gives permission.

The arguments are presented in turn, first by the plaintiff, then by the defendant. You must not interrupt the other party while they are making their closing address.



# 3 Judge's decision

To render judgment, the judge must evaluate the evidence presented by both parties and decide the matter according to the law.

The judge can render judgment on the day of the trial, but in most cases, they will take the case "under advisement". This means they want time to think before making their decision. You are not allowed to communicate with the judge during this time.



You will receive the judgment by mail.



# After the trial

## Reimbursement of legal costs

The judge often orders the losing party to reimburse the other party for some costs related to the trial, but they can decide otherwise.

The costs related to the trial are known as "legal costs". Only specific costs can be reimbursed, notably:

- court fees for your originating application or your answer.
- bailiff's notification costs.
- witness travel costs.
- expert fees or stenographer fees under certain conditions.

Make sure you keep all your bills and proofs of payment for these costs. You might need to justify the amount.

In exceptional cases, the judge can order one party to pay the fees of the other party's lawyers. If that party was not represented by a lawyer, they can be compensated for the time spent preparing their case.

To be reimbursed for your legal costs, you must fill out the form called "[Bill of costs](#)". To find it, type "Bill of costs (SJ-286A)" in a search engine such as Google. If you need help filling out the form, a [Community Justice Center](#) lawyer can answer your questions for free ([justicedeproximite.qc.ca/en](http://justicedeproximite.qc.ca/en)).

## Payment after the judge's decision

Once the judgment has been rendered, the person who lost must pay the person who won. They have 30 days to pay up. This delay is reduced to 10 days if judgment was rendered "by default".

If the losing party does not pay within the time limit, the winning party can ask a bailiff for help getting their money. You can find a bailiff on the [Chambre des huissiers de justice du Québec](#) website ([chjq.ca](http://chjq.ca)).

It can be difficult to get paid. For example, the losing party might not have enough money or might be hard to find. The winning party has up to 10 years from the date of the judgment to obtain their money.

## Appeal of the judgment

If you disagree with the judgment, you can appeal it within 30 days.

You should not appeal the judgment simply because you're disappointed. The appeal court's role is not to redo the trial, and you won't be able to present new evidence.

To win your appeal, you have to convince the appeal court that the first judge made critical errors in their judgment.

The Court of Appeal of Québec hears most appeals for civil matters in the province. In the great majority of cases, appealing a judgment suspends its execution. That means you can't claim your money while an appeal is active.

The rules and procedures that apply to appeals are different from those described in the previous sections. You should inform yourself by consulting a lawyer, if possible.

# The forms

## Model lawsuit (originating application)

CANADA  
PROVINCE OF QUÉBEC  
DISTRICT OF QUÉBEC  
No. :

**COURT (Name of Court)**  
(name), domiciled and residing at... (address),  
district of... (district name)  
Plaintiff

(name), residing at... (address), district of...  
(district name)  
Defendant

### ORIGINATING APPLICATION

IN SUPPORT OF THEIR CLAIM, THE PLAINTIFF STATES AS FOLLOWS :

1. ....
2. ....
3. ....
4. ....

...

FOR THESE REASONS, MAY IT PLEASE THE COURT:  
(state the conclusions sought from the judge);

The WHOLE, with costs.

...(city), the...(date)

\_\_\_\_\_  
Signature  
DEFENDANT

## Model sworn statement

CANADA  
PROVINCE OF QUÉBEC  
DISTRICT OF... (*DISTRICT*)  
No. :

**COURT (Name of Court)**  
(name), domiciled and residing at... (address),  
district of... (district name)  
Plaintiff

(name), residing at... (address),  
district of... (district name)  
Defendant

### AFFIDAVIT

I, the undersigned, \_\_\_\_\_,  
domiciled and residing at \_\_\_\_\_,  
solemnly swear the following:

1. I am the plaintiff
2. All the facts alleged in this declaration are true.

And I have signed at \_\_\_\_\_, on \_\_\_\_\_

\_\_\_\_\_  
(First name, LAST NAME)  
Co-plaintiff

Sworn before me at \_\_\_\_\_,  
on \_\_\_\_\_.

\_\_\_\_\_  
Commissioner for Oaths

# Model summons

## SUMMONS

### Filing of a judicial application

Take notice that the plaintiff has filed this originating application in the office of the court of \_\_\_\_\_ in the judicial district of \_\_\_\_\_.

### Exhibits supporting the application

In support of the originating application, the plaintiff intends to use the following exhibits:

### Defendant's answer

You must answer the application in writing, personally or through a lawyer, at the courthouse of \_\_\_\_\_ situated at \_\_\_\_\_ within 15 days of service of the application or, if you have no domicile, residence or establishment in Québec, within 30 days. The answer must be notified to the plaintiff's lawyer or, if the plaintiff is not represented, to the plaintiff.

### Failure to answer

If you fail to answer within the time limit of 15 or 30 days, as applicable, a default judgement may be rendered against you without further notice and you may, according to the circumstances, be required to pay the legal costs.

### Content of answer

*(If the special simplified rules for the recovery of certain claims before the Court of Québec apply to this application, either because:*

- *it is an application in which the value of the subject matter of the dispute or the amount claimed is less than \$75,000, exclusive of interest including, if applicable, an ancillary application OR;*
- *it is an application in which the value of the subject matter of the dispute or the amount claimed is more than \$75,000 but less than \$100,000 and the applicant has asked that the application be processed according to those simplified rules).*

In your answer, you must state your intention to:

- negotiate a settlement;
- propose mediation to resolve the dispute;
- defend the application according to the rules set out in Title I.1 of Book VI of the Code of Civil Procedure (articles 535.1 to 535.15), in particular, by filing with the court office a brief outline of your arguments within 95 days after service of this summons;
- propose a settlement conference.

The answer to the summons must include your contact information and, if you are represented by a lawyer, the lawyer's name and contact information.

### OR

*(If the special simplified rules for the recovery of certain claims before the Court of Québec do not apply to the application.)*

In your answer, you must state your intention to:

- negotiate a settlement;
- propose mediation to resolve the dispute;
- defend the application and, in the cases required by the Code of Civil Procedure, cooperate with the plaintiff in preparing the case protocol that is to govern the conduct of the proceeding. The protocol must be filed with the court office in the district specified above within 45 days after service of this summons. However, in family matters or if you have no domicile, residence or establishment in Québec, it must be filed within 3 months after service;
- propose a settlement conference.

The answer to the summons must include your contact information and, if you are represented by a lawyer, the lawyer's name and contact information.



## Model summons (next)

### Where to file the judicial application

Unless otherwise provided, the judicial application is heard in the judicial district where your domicile is located, or failing that, where your residence or the domicile you elected or agreed to with plaintiff is located. If it was not filed in the district where it can be heard and you want it to be transferred there, you may file an application to that effect with the court.

However, if the application pertains to an employment, consumer or insurance contract or to the exercise of a hypothecary right on the immovable serving as your main residence, it is heard in the district where the employee's, consumer's or insured's domicile or residence is located, whether that person is the plaintiff or the defendant, in the district where the immovable is located or, in the case of property insurance, in the district where the loss occurred. If it was not filed in the district where it can be heard and you want it to be transferred there, you may file an application to that effect with the special clerk of that district and no contrary agreement may be urged against you.

### Transfer of the application to the Small Claims Division

If you qualify to act as a plaintiff under the rules governing the recovery of small claims, you may contact the clerk of the court to request that the application be processed according to those rules. If you make this request, the plaintiff's legal costs will not exceed those prescribed for the recovery of small claims.

### Convening a case management conference

*(If the special simplified rules for the recovery of certain claims before the Court of Québec apply to the application)*

Within 110 days after service of this summons, the court may call you to a case management conference to ensure the orderly progress of the proceeding.

### OR

*(If the special simplified rules for the recovery of certain claims before the Court of Québec do not apply to the application)*

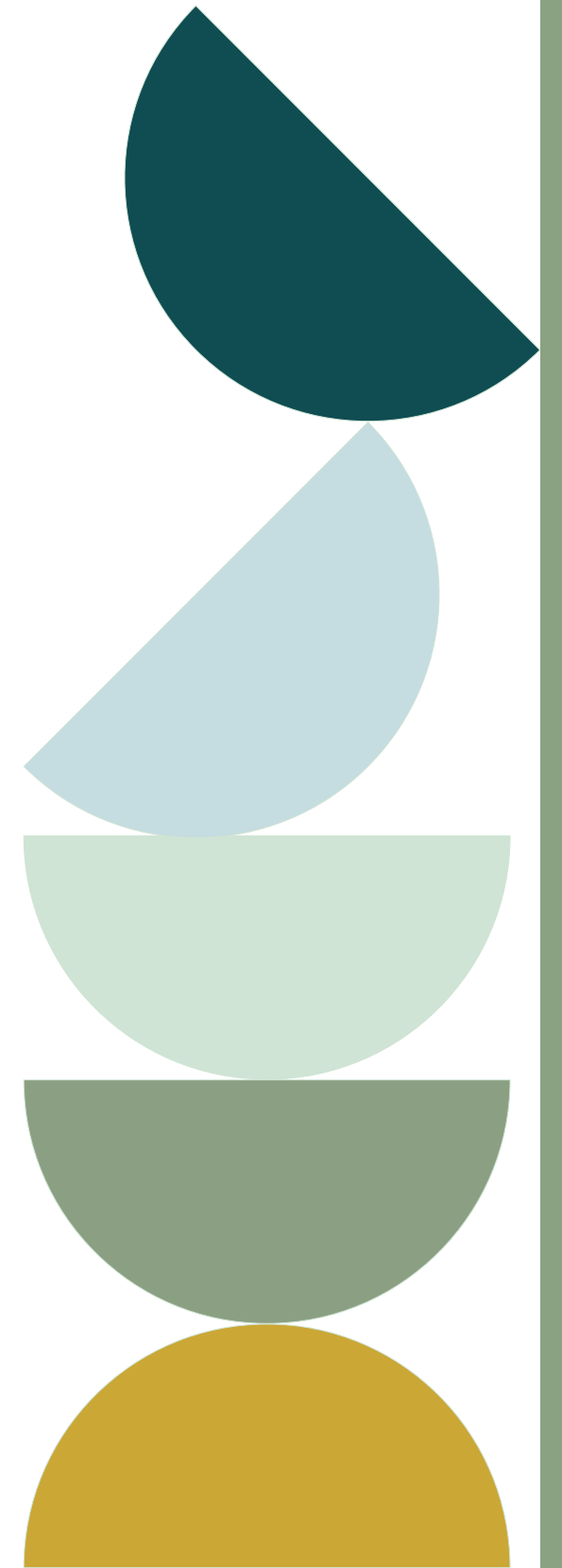
Within 20 days after the case protocol mentioned above is filed, the court may call you to a case management conference to ensure the orderly progress of the proceeding. Failing that, the protocol is presumed to be accepted.

### Application accompanied by a notice of presentation

Applications filed in the course of a proceeding and applications under Book III or V of the Code of Civil Procedure—excluding applications pertaining to family matters under article 409 and applications pertaining to securities under article 480—as well as certain applications under Book VI of the Code of Civil Procedure, including applications for judicial review, must be accompanied by a notice of presentation, not by a summons. In such circumstances, the establishment of a case protocol is not required.

# Model backing

No. _____
COURT _____ DISTRICT OF _____
_____ (First name, LAST NAME) Plaintiff
V.
_____ (First name, LAST NAME) Defendant
<b>Title of documents</b>
Original (or copy for _____ )
Your contact information (First and last name, address, phone number, email)



# Resources To help you understand

Many free or low-cost resources can help you prepare for your trial.

## To find legal information and court decisions

### Éducaloi

[www.educaloi.qc.ca/en](http://www.educaloi.qc.ca/en)

This is a good starting point for your legal research. You will find reliable information that's easy to understand.

### Centre d'accès à l'information juridique (CAIJ)

[www.caij.qc.ca/en](http://www.caij.qc.ca/en)

You can use its UNIK search engine to easily find doctrine, court decisions (jurisprudence), and the laws you need to prepare your case.

### Société québécoise d'information juridique (SOQUIJ)

[soquij.qc.ca/a/fr/english](http://soquij.qc.ca/a/fr/english)

This website also offers a search engine for court decisions (jurisprudence).

To find it, follow the link called "Looking for a court decision in English?" on the English homepage of the website or search for "translated decisions SOQUIJ" in a search engine such as Google.

### Civil Law Handbook—For Self-Represented Litigants

Are you looking for reliable information that's easy to understand? [You'll find it here!](#)

This manual covers everything and will help you prepare for trial. For example, it contains prep sheets that will guide you through each step of the trial.

To find it, type "civil law handbook Canadian judicial council" in a search engine like Google.

### Québec Law Network

[www.avocat.qc.ca/english](http://www.avocat.qc.ca/english)

You'll find helpful information written by lawyers, judges and other legal professionals.

## To find forms

### Documentation Center of the Québec Ministry of Justice

[www.justice.gouv.qc.ca/en/documentation-center](http://www.justice.gouv.qc.ca/en/documentation-center)

The documentation center of the Ministry of Justice website is a gold mine of information. Among other things, you'll find:

- Forms and model proceedings.
- A glossary to help you understand legal terms.
- The laws and regulations you will need, including the Civil Code of Québec and the Code of Civil Procedure.
- Leaflets and brochures to help you understand rules and regulations.

The Documentation Center tab can be found at the top of the website's homepage (under the blue line).

### Court of Québec (Documentation Center)

[courduquebec.ca/en/documentation-center](http://courduquebec.ca/en/documentation-center)

If your trial is being held at the Court of Québec, you'll find the forms you need here.

The Documentation Center tab can be found at the top right of the website's homepage.

### Superior Court of Québec (Montréal Division or Québec Division)

[coursuperieureduquebec.ca/en](http://coursuperieureduquebec.ca/en)

If your trial is being held in Superior Court, you'll find the forms you need here.

Hover over the Montréal or Québec division tab at the top of the Superior Court website homepage and select "Forms" from the menu. If you don't know the judicial division of your judicial district, consult page 25 of this guide.

## To ask questions

### Community Justice Centers

[www.justicedeproximite.qc.ca/en](http://www.justicedeproximite.qc.ca/en)

Community Justice Centers are an essential resource.

Located throughout Québec, these centers let you consult a lawyer for free. During this meeting, you can ask for:

- legal information specific to your situation.
- help finding the correct forms and information on how to complete them.
- help finding the resources you need.

Please note that Community Justice Center lawyers can't tell you what you should do or evaluate your chances of winning. They also can't fill out forms for you or represent you in court.

### There are 13 centers to serve you:

#### Bas-Saint-Laurent

418 722-7770 • 1 855-345-7770

#### Centre du Québec

873-382-2262

#### Côte-Nord

581-826-0088 • 1 844-960-7483

#### Estrie

819 933-5540

#### Laval-Laurentides- Lanaudière

450 990-8071 • 1 844 522-6900

#### Mauricie

819 415-5835 • 1 888 542-1822

#### Montérégie

579 723-3700

#### Nunavik

819-254-8567 • 1 833 844-8055

#### Outaouais

819 600-4600 • 1 844 606-4600

#### Québec-Chaudière- Appalaches

418 614-2470 • 1 833 614-2470

Saguenay-Lac-Saint-Jean

#### Grand-Montréal

514 227-3782 (option 4)

#### Saguenay-Lac-Saint-Jean

418 412-7722 • 1 844 412-7722

#### Gaspésie-Îles-de-la- Madeleine

418-689-1505 • 1 844 689-1505

### Boussole juridique

[boussolejuridique.ca/en](http://boussolejuridique.ca/en)

This site is essential!

It's an easy-to-use search engine that helps you find legal resources near you (such as legal clinics).

Note that legal clinics are offered at all the law faculties of Québec universities!

All the resources you'll find on the Boussole juridique website are free or low-cost.

### Clinique juridique du Barreau du Québec

[www.cliniquejuridiquebarreau.ca](http://www.cliniquejuridiquebarreau.ca)

École du Barreau students can help you for free, supervised closely by lawyers.

For example, they can:

- give you information and legal advice relevant to your situation.
- help you prepare your case.
- help you prepare for your court hearing.

Meetings can be held in person (in Montréal) or online (everywhere in Québec). The website is only available in French at the time of writing.

# Index: Understanding legal jargon

The legal world has its own vocabulary which can be hard to understand.

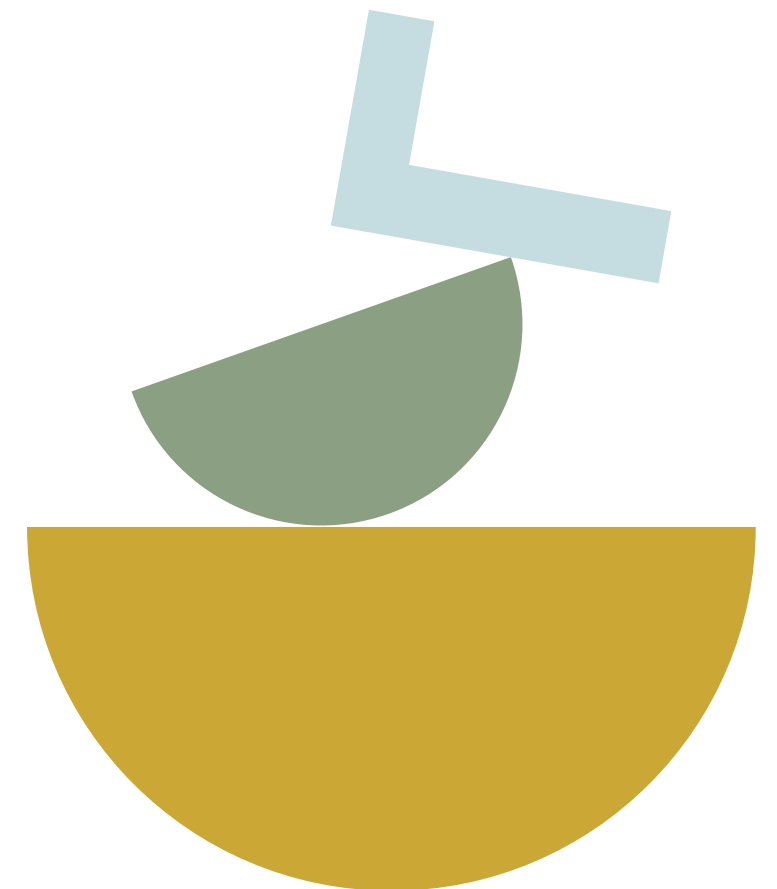
To learn more about one of the terms below, consult the corresponding page of the guide.

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# Thank you



The *How to prepare for court* guides owe their existence to the Barreau du Québec's support and commitment to our mission.

Their enduring devotion to quality and accessible justice drives us to continue working for the advancement of law and to support the diverse next generation of legal professionals.

Thank you!



## Thanks to the CJC!

The production of the *How to prepare for court* guides would not have been possible without the participation of the Community Justice Center (CJC). Thanks to their expertise, the information contained in the guides is accurate and meets the needs of citizens.

Together, we are helping to make justice more accessible and to increase public confidence in the justice system.

