

# PREPARING A CHAMBERS RECORD: A LAY PERSON'S GUIDE

(B.C. SUPREME COURT)

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September 1st, 2004  
[1<sup>st</sup> Edition]



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## **READ ME FIRST**

Parts 1-5 of this guide will help you in preparing a Chambers Record.

Please read the warning and waiver of responsibility on the next page.

You should obtain legal advice from a lawyer. This guide should be brought with you when you see a lawyer. Part 6 will provide information on legal aid resources in BC for those persons who cannot afford a lawyer.

This guide is unique for two reasons. First, it provides an express lane for those in a hurry. See Part 1. It also provides questions you should ask a lawyer about a Chambers Record. See Sample "E" at the end of the guide. This will help you with your meeting with the lawyer. You should also ask the lawyer to verbally go through the major points in this guide. This will help you to understand the court process.

## WARNING AND WAIVER

### **Seek Legal Advice**

This guide is produced for educational purposes. Users of the guide should not rely on the guide for legal advice or as a substitute for legal advice. Instead, persons with legal problems including those who plan to represent themselves in court should consult a lawyer. Those who cannot afford a lawyer should seek out legal aid. See Part 6.

The law, including Acts, Regulations, Rules of Court, Court Practices and Court Precedents can change without warning. The users of this guide should check to see if this guide is up-to-date. This is another reason to consult a lawyer.

### **Waiver**

This guide may contain inaccurate or misleading information. The Community Legal Assistance Society, its funders (including the Law Foundation of BC), its authors, its contributors, its editors and the distributors of this guide are not responsible:

- for the completeness or accuracy of the information contained in this guide; or
- for any form of damages or monetary loss caused by or attribute to the use of this guide and without limiting the forgoing including claims based on negligence or breach of contract.

### **Limited Nature of this Guide**

This guide is a general guide and cannot contemplate all eventualities. It is to help self-representing individuals prepare a Chambers Record. This guide assumes that you have prepared all the necessary court documents for your chambers hearing including the arranging of the hearing date. We have other guides available. Check our website at: <http://www.clasbc.net/>

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## **PART 1 – WHAT IS A CHAMBERS RECORD?**

### **Introduction**

The Chambers Record is a bound book (usually a 3-ring binder) that contains copies of court documents. In most chambers applications, evidence is not given orally. Instead, evidence is given by affidavits. Those affidavits and other court documents are put in the Chambers Record. The Chambers Record is for the use of the judge. It is appropriately tabbed or has its pages numbered consecutively [1,2,3,4, etc]. This requirement allows the judge to go quickly to any part of the material when you refer to it in your oral argument in front of the judge.

A “Chambers Record” must be prepared for any chambers matter that is contested and is estimated to take over 30 minutes. The person bringing that chambers application is responsible for preparing and filing in court the Chambers Record.

The Community Legal Assistance Society has a sample Chambers Record in its office. If you wish to look at it, you can phone us at 604-685-3425 or toll free at 1-888-685-6222. Please note that it is just a sample Chambers Record. Each Chambers Record will be different. However, it will give you some idea of what you have to prepare.

The reason we have a Chambers Record is to dispense with the necessity of the judge having the whole court file in court. Some court files are huge. The Chambers Record ensures that only the necessary court documents are in front of the judge.

### **Express Lane**

#### **Express Lane**

1. Ask the lawyer to fill out Samples “B” (cover) and “D” (index) at the end of this guide.
2. Ask the lawyer the questions found at Sample “E” at the end of this guide.
3. Type up Samples “B” and “D”, after the lawyer has filled them out.
4. Purchase a three ring binder and three ring tabs to fit in the binder.
5. Put typed Sample “B” on the front of the binder. Use scotch tape.
6. Put the typed Sample “D” (index) as the first page in the binder.
7. Put the court documents designated by the lawyer in the binder with appropriate tabs (you will need a three-hole punch).
8. Number each page of each document in the upper right hand corner. This can be handwritten. Make sure the numbers match the index page.
9. File the binder at the court at the time designated by the lawyer. Attach to it by elastic band two copies of the notice of hearing and two copies of the petition or notice of motion.
10. Give a copy of the index page to the other parties as designated by the lawyer.
11. Make an additional copy for yourself and any McKenzie Friend you have.

## PART 2 – PREPARING THE CHAMBERS RECORD

### Introduction

There are three parts to a Chambers Record. They are the cover, index, and relevant court documents. We will review each of those components of the Chambers Record.

However, there are some preliminary matters that should be stressed.

1. A Chambers Record can be any form of three-ring binder. The binder must be big enough. The court documents should be able to fit easily in the binder with plenty of wiggle room. For this reason, it is best to use a large width three ring binder. Remember the judge will have the binder on his or her desk. The binder should be able to be opened at any tabbed document with ease. We do not want the judge struggling because the documents are squashed into the binder. There is no requirement of a specific colour. The most commonly used colour for binders is black. The binder can be purchased at any school or office supply store. Alternately, you might use one of the kids' spare binders, provided it is clean and big enough. Please do not use Britney Spears or Mickey Mouse binders. Don't short change yourself by using an inadequate binder. The binder is the first opportunity for you to make an impression with the judge.
2. Secondly, we recommend that each document in a Chambers Record be tabbed. Tabs can be bought at any school or office supply store. Tabs have numbers (1, 2, 3 etc.) or tabs may be alphabetical (A, B, C etc.). The tabs have three holes in them and fit into the 3-ring binder. In addition, you will have to number the pages of the Chambers Record. This is explained later in Part 3.
3. Finally you will need access to a three-hole punch, to punch holes in the relevant court documents. Avoid punching holes in any type or printed part of the documents.

### Cover

The first thing you will have to do is prepare a cover for your Chambers Record. See Sample "A" for an example of a cover. The cover will consist of four parts:

1. the style of proceeding ( a lawyer can tell you about this);
2. the words "Chambers Record" of the petitioner or respondent or plaintiff or defendant between two lines;
3. at the bottom of the page you put in your name, address and phone number and a statement that you are representing yourself. The same applies to the other counsel.
4. You should also put, on the front cover, the date of the hearing, the place of

the hearing, and the person preparing the Chambers Record.

**In Sample “B” attached, I have given you a blank sample Chambers Record Cover. This sample is for you to take to a lawyer to fill in.**

The Chambers Record cover should be affixed securely to the front of the 3-ring binder. This can be done by glue or by scotch tape. The cover should be white paper and typed.

### **Documents to be in the Chambers Record**

What are the documents you have to put in the Chambers Record other than the Index? These documents have to be put in:

1. Outlines, prepared by the applicant and respondent(s);
2. Copy of the notice of motion or petition;
3. Copy of each respondent’s response;
4. Copy of each side’s affidavit(s); and
5. Written arguments, if any.

Sometimes written arguments are prepared by the parties. If such is the case then they can be put into the Chambers Record. In addition, if a matter is estimated to take over two hours then written arguments are mandatory. You should discuss this with the lawyer.

What order do the court documents go in the chambers record? There is no specific order except that the index must come first. Some lawyers arrange documents in chronological order. You might arrange the documents as set out in Sample D.

Do not put copies of courts cases or enactments (Acts and Regulations) in the Chambers Record.

### **Affidavit**

The affidavits that you have to put in the Chambers Record can be determined by looking at the notice of motion or the petition in the matter. The notice of motion or the petition will state what affidavits will be relied on. You also have an obligation to put in the affidavits relied on by the person defending the chambers application. These can be ascertained by looking at the respondent’s response. Please note that you have to put in all the affidavits that all parties are relying on. You may not like the other side’s affidavits. However, you still have to put the opposing affidavits in the Chambers Record.

Occasionally, the person bringing the chamber's application may file affidavits in reply to the other side's affidavits. If such is the case, then these affidavits should be included in the chambers record. Again this should be discussed with a lawyer.

When you see the lawyer, you should ask him or her: what documents do I have to put in the Chambers Record? Specifically, what affidavits do I have to put in? Therefore, when you go in to see the lawyer it is important that you bring all relevant court documents with you.

### **Index**

The Chambers Record must contain an Index, a list of all court documents. As we have indicated to you before, we think it is a good idea if you put a tab for each document. This should be indicated in the index. If you turn to the samples, you will see in Sample "C" an Index for a Chambers Record for a petition. Of course, your Index may vary accordingly.

Sample "D" is the sample that you will use for the Index to your Chambers Record. It should be typed up and three-hole punched. Place this document as the first document in the Chambers Record. You will have to put the page numbers in the Index after you have written in the page numbers in the right-hand corners of all the court documents in the binder. See the next heading.

**Sample "D" should be given to the lawyer. He or she will fill in the relevant documents that you have to put into the Chambers Record. It should then be typed up.**

### **Numbering Pages**

We strongly recommend that you put tabs in the Chambers Record for each separate document. Also, you should number all of the pages consecutively in the right-hand corner of each page. It is sufficient if you hand-write the numbers.

## **PART 3 – FILING AND SERVING CHAMBERS RECORD AND INDEX**

### **General**

It is necessary for you to file the Chambers Record in court. Attached, on top of the binder, you should also file two copies of the notice of hearing and two copies of the notice of motion (or petition). This is best done by an elastic band. You should also mark (by underling) on the notice of motion or petition the specific order you are seeking. A lawyer can help you with is.

It is also necessary for you to give to all the parties defending the chambers application a copy of the Index to the Chambers Record. It is not necessary for you to serve the whole Chambers Record on such parties.

The time period for doing this is set out below:

- For the Vancouver, Victoria, New Westminster, and Nanaimo registries, you must file the Chambers Record with the court registry between 9:00 a.m. on the second day before the hearing and noon on the day before the hearing. You must deliver a copy of the Chambers Record index to each Respondent by noon the day before the hearing. The lawyer can tell you who you should serve.
- For other registries check with local registry staff and the lawyer giving you advice.

Please note the obtaining of a hearing day for court, the filing and serving of the notice of hearing, are not covered by this guide.

### **Additional Copies of Chambers Record**

Two additional copies of the Chambers Record should be made. You should make a copy for yourself as you will need it when you appear in front of the judge. A second copy of the Chambers Record should be made for the person accompanying you to court. We recommend that you have someone assist you at the time of the court hearing. This is often referred to as the “McKenzie Friend.” See our guide “Bring a Friend to Court”.

### **PART 4 – QUESTIONS TO ASK THE LAWYER**

1. What should I put on the Chambers Record cover?
2. What court documents should I put in the Chambers Record?
3. What court documents should be in the Index?
4. When do I have to file the Chambers Record in court?
5. When do I have to give a copy of the Index to the other parties?
6. What other parties should receive a copy of the Index?
7. Please fill out Samples “B” and “D”.
8. Do I have to prepare a written argument?
9. Can you underline the appropriate parts of the petition or notice of motion?

### **PART 5 – CHECKLIST**

<b>No.</b>	<b>Remember</b>	<b>Check</b>
	<b>Gathering Documents</b>	

No.	Remember	Check
1.	Have you gathered together copies of the notice of motion/petition, affidavits, responses and outlines?	
2.	Are the copies clean, with no markings on them?	
	<b>Interview with the Lawyer</b>	
3.	Have you brought this pamphlet with you to the interview with the lawyer?	
4.	Have you asked the lawyer to fill out Samples "B" and "D"?	
5.	Have you asked the lawyer whether it is necessary to have written arguments?	
6.	Have you asked the lawyer to fill out the cover sheet?	
7.	Have you asked the lawyer to fill out the Index for documents?	
8.	Have you asked the lawyer when the date and time is that you have to file the Chambers Record?	
9.	Have you asked the lawyer when you have to serve the Index on the other parties?	
10.	Have you asked the lawyer what parties you have to serve with the Index?	
	<b>Preparing the Chambers Record</b>	
11.	Have you typed up the cover prepared by the lawyer?	
12.	Have you pasted or taped the cover on the front of the 3-ring binder?	
13.	Have you put in the Index page?	
14.	Have you put in tabs?	
15.	Have you put in the appropriate court documents?	
16.	Have you numbered sequentially all the pages in the top right-hand corner and put in the necessary changes to the Index page?	
17.	Have you adjusted the page numbering on the Index?	
18.	Have you made your own copy of the Chambers Record?	
19.	Have you made a copy of the Chambers Record for your McKenzie Friend?	
20.	Have you asked to the lawyer to underline, in the appropriate parts, the notice of motion or petition (two copies) that has to be attached to the Chambers Record?	

No.	Remember	Check
<b>Filing and Serving</b>		
21.	Have you attached by an elastic band to the Chambers Record the notice of motion or petition (two copies) duly underlined, plus two copies of the notice of hearing?	
22.	Have you filed in court the Chambers Record with attachments on time?	
23.	Have you served the parties on time with the Index?	

## PART 6 – LEGAL ADVICE

### Introduction

Listed below is information on various free legal aid organizations. Seeing a lawyer for the first time can be a bit intimidating. Here are some useful tips.

1. Bring a friend with you for moral support. Ask the lawyer at the clinic if your friend can sit in on the interview. The friend can also help you prepare the Chambers Record.
2. Request the lawyer to fill out Samples “B” and “D”.
3. Organize all the documents in chronological order. The documents would include letters, court documents, etc. The best way is to put the documents in a 3-ring binder with an index page. Tabs separating the documents in the binder are also very helpful. Remember you do not have to be lawyer to organize documents.
4. You might attempt to organize your Chambers Record before you see the lawyer. You should bring with you copies of all court documents that you think should go into the Chambers Record.
5. Next, write out in a page or two the questions you have for the lawyer. If you do not, you will probably forget some important questions. Also, do not be afraid to ask what you might perceive to be “simple questions.” Sometimes, they are the most important questions. We have already given you some questions to ask the lawyer. Add to that list.

### Community Legal Assistance Society

The Community Legal Assistance Society runs legal clinics for BC Supreme Court for civil matters. There is financial qualification. Phone 604-685-3425.

See their web page: <http://www.clasbc.net/>

**Law Line (telephone Legal Advice)**

Law Line, run by the Legal Services Society of BC, can provide legal advice over the telephone to persons who qualify financially. The phone numbers are (604) 408-2172 (Lower Mainland) 1-866-577-2525 (toll free, outside the Lower Mainland).

See their web page: [http://www.lss.bc.ca/legal\\_info/law\\_line.asp](http://www.lss.bc.ca/legal_info/law_line.asp)

**Salvation Army's Pro Bono Lawyer Consultant Program**

This program runs free legal advice clinics. There is a financial qualification. The phone number is 604-872-7681. Some of the clinics are run out of courthouses.

See their web page: <http://www.probono.ca/>

**Western Canada Society to Access Justice**

This program also runs free legal advice clinics. There is a financial qualification. The phone number is 604-878-7400. Some of the clinics are run out of the courthouses.

See their web page: <http://www.accessjustice.ca/>

**SAMPLE "A" – CHAMBERS RECORD COVER**

No. L123456  
Vancouver Registry

**IN THE SUPREME COURT OF BRITISH COLUMBIA**

**BETWEEN:**

MARY SMITH,

PLAINTIFF

**AND:**

A2 CONSTRUCTION LTD.,

DEFENDANT

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**CHAMBERS RECORD OF THE PLAINTIFF/APPLICANT MARY SMITH**

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**Plaintiff/Applicant, Mary Smith**  
**Representing Herself**  
123 Anywhere Street  
Vancouver, BC V6Z 2B9

**Solicitor for the Defendant/Respondent, A2 Construction Ltd.**  
**Ms. Jane Barrister**  
DEF Law Firm  
456 Whatever Avenue  
Vancouver, BC V3Z 6A7

Dates of Hearing: September 6,7,8,9, 2004  
Place of Hearing: Vancouver, BC  
Chambers Record Prepared by: the Plaintiff/Applicant, Mary Smith

**SAMPLE "B" – BLANK CHAMBERS RECORD COVER**

No. \_\_\_\_\_  
\_\_\_\_\_ Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

\_\_\_\_\_

PETITIONER/PLAINTIFF

AND:

\_\_\_\_\_

RESPONDENT/DEFENDANT

\_\_\_\_\_

**CHAMBERS RECORD OF** \_\_\_\_\_

\_\_\_\_\_

(Name) \_\_\_\_\_

Self-Represented

(Address) \_\_\_\_\_

(Address) \_\_\_\_\_

(Phone) \_\_\_\_\_

(Name) \_\_\_\_\_

Counsel for

(Address) \_\_\_\_\_

\_\_\_\_\_

(Address) \_\_\_\_\_

(Phone) \_\_\_\_\_

(Name) \_\_\_\_\_

Counsel for

(Address) \_\_\_\_\_

\_\_\_\_\_

(Address) \_\_\_\_\_

(Phone) \_\_\_\_\_

**Dates of Hearing:** \_\_\_\_\_

**Place of Hearing:** \_\_\_\_\_

**Chambers Record Prepared by:** \_\_\_\_\_

**SAMPLE "C" – CHAMBERS RECORD INDEX FOR PETITION****INDEX**

<b>Tab No.</b>	<b>Document</b>	<b>Pages</b>
1	Outline for the Applicant/Petitioner, John Smith.....	2-6
2	Outline for the Respondent, Employment & Assistance Appeal Tribunal.....	7-12
3	Outline of the Respondent, the Attorney General of BC.....	13-15
4	Petition of John Smith.....	16-19
5	Response of the Respondent, Employment and Assistance Appeal Tribunal.....	20-28
6	Response of the Respondent, the Attorney General of BC.....	29-34
7	Affidavit of John Smith, dated June 5, 2004.....	35-45
8	Affidavit of P. Harding, dated June 8, 2004.....	46-52

**SAMPLE "D" – BLANK CHAMBERS RECORD INDEX**

**I N D E X**

<b>Tab No.</b>	<b>Document</b>	<b>Pages</b>
1	Outline of .....	.....
2	Outline of .....	.....
3	Outline of .....	.....
4	Notice of Motion or Petition of .....	.....
5	Response of .....	.....
6	Response of .....	.....
7	Response of .....	.....
8	Affidavit of.....	.....
9	Affidavit of .....	.....
10	Written Argument of.....	.....
11	Written Argument of.....	.....

**SAMPLE “E” – QUESTIONS TO ASK THE LAWYER**

1. What should I put on the Chambers Record cover?
2. What court documents should I put in the Chambers Record?
3. What court documents should be in the Index?
4. When do I have to file the Chambers Record in court?
5. When do I have to give a copy of the Index to the other parties?
6. What other parties should receive a copy of the Index?
7. Please fill out Samples “B” and “D”.
8. Do I have to prepare a written argument?
9. Can you underline the appropriate parts of the petition or notice of motion?