

PRACTICE DIRECTION

COURT OF KING'S BENCH OF MANITOBA

RE: LENGTH AND FORMATTING OF APPLICATION AND MOTION BRIEFS

A cornerstone of the Court of King's Bench Rules is proportionality. This foundational principle extends to written materials that are filed in civil and family proceedings. Increasingly, there is a trend towards longer application and motion briefs, which gives rise to concerns about proportionality and even effective advocacy.

To address these concerns, the Court considered imposing limits on the length of briefs. However, recognizing the wide range and varying degrees of complexity of applications and motions, for now, the court has instead opted to simply remind counsel that the most effective briefs are concise and focused. In any given case, should a judge determine that a brief is disproportionate to the nature and complexity of the issue at hand, they may request a more succinct version.

To assist in reducing the volume of material filed as written argument on applications and motions, the following cases, establishing well-known legal principles, need not be included in briefs:

- ***Dakota Ojibway Child and Family Services v. M.B.H.***, 2019 MBCA 91;
- ***White Burgess Langille Inman v. Abbott and Haliburton Co.***, 2015 SCC 23;
- ***Hryniak v. Mauldin***, [2014] 1 S.C.R. 87; and
- ***RJR McDonald Inc. v. Canada (Attorney General)***, [1994] 1 S.C.R. 311.

Finally, it is increasingly common that a file contains affidavits, cross-examination transcripts, and written submissions that are relevant to different scheduled hearings with a lack of information as to which party has filed which documents and for which scheduled hearing. To assist in addressing this concern, the following will now apply to these materials:

- A moving party's brief shall include a blue cover page;
- A responding party's brief shall include a beige cover page;

- The cover pages of all affidavits, transcripts, and motions and applications briefs must identify the nature of the motion or application in parentheses immediately below the document title.

For the purpose of transition, the foregoing only applies to documents filed after the date this practice direction comes into effect.

Coming into effect:

This Practice Direction comes into effect immediately.

ISSUED BY:

"Original signed by Chief Justice Joyal"

**The Honourable Chief Justice Glenn D. Joyal
Court of King's Bench (Manitoba)**

DATE: October 2, 2025