

FAMILY LAW BASICS FOR PARALEGALS AND LEGAL SUPPORT  
STAFF  
HANDOUT 1.2

## Master Keighley's Top 10 List

If you enjoyed this Practice Point, you can access all CLEBC course materials by subscribing to the [Online Course Materials Library](#)

These materials were prepared by Master Peter Keighley, Supreme Court of BC, New Westminster, BC, for the Continuing Legal Education Society of British Columbia, November 2017.

© Master Peter Keighley

## MASTER KEIGHLEY'S TOP 10 LIST

- (1) Confirm that the application is within the jurisdiction of a master and confirm that the Notice of Application indicates this. Remember that masters generally do not have jurisdiction to make final orders (there are exceptions), cannot grant injunctive relief and may not vary final orders made by judges (although they may vary interim orders)
- (2) Avoid the use of unattributed hearsay in affidavit material. Hearsay evidence is admissible on interlocutory applications if the source of the information and the belief of the deponent is established.
- (3) Do not attach documents containing hearsay to an affidavit unless you have complied with the above and do not attach documents containing opinion unless the author may be characterized as an expert.
- (4) Avoid “Affidavit Wars”. There is no need to darn every hole in the evidentiary sock.
- (5) Do not attach a lengthy exchange of correspondence between counsel/parties. Make specific reference to the needle in the haystack. Do not expect the judge or master to locate it.
- (6) Number all pages of an affidavit from the first page of text to the last page of exhibits.
- (7) When drafting a Notice of Application, set out the legal basis for the application clearly and concisely. Merely making reference to the Rule or statute will not suffice. Failure to do so may result in the dismissal or adjournment of the application with costs.
- (8) Note that, in determining the time required for notice of an Application, a “business day” is a day on which the registry is open for business.
- (9) Limit without notice application to truly urgent matters. Consider sending counsel along with a short leave requisition in the event that the court considers short notice, rather than no notice, to be appropriate.
- (10) Attach a draft order to the Notice of Application. The judge or master will sign the order in chambers if it has been previously vetted by the registry, saving time and expense.

...and, as a postscript, note that the form of Notice of Application allows the judge or master to endorse it, making the endorsed application the equivalent of a formal order once entered.

If you enjoyed this Practice Point, you can access all CLEBC course materials by subscribing to the [Online Course Materials Library](#)