



June, 2006 - No. 2

eLaw Litigation Update will not be published during July and August. Watch for the next issue in your Inbox on September 7.

In this issue:

1. [No Liability for Social Hosts: SCC](#)
2. [\\$10 000 Small Claims Limit](#)
3. [SCC Refuses Leave: *Campeau v. Imperial Life*](#)
4. [Advocacy CLE Webcast - June 6](#)
5. [Federal Court Notice](#)
6. [New Technology for Litigators](#)

1. No Liability for Social Hosts: SCC

In the recent decision in [Childs v. Desormeaux](#), 2006 SCC 18 the Supreme Court finds that:

A social host at a party where alcohol is served is not under a duty of care to members of the public who may be injured by a guest's actions, unless the host's conduct implicates him or her in the creation or exacerbation of the risk.

For more on the decision, take a look at the following:

- A series of articles, interviews with counsel and the factums at <https://www.barex.com/barex/special/socialhost/index.jsp>
- May 5, 2006 [S.C.C. L@wletter](#) from Eugene Meehan, Q.C. of Lang Michener LLP
- [SCC finds no duty on this particular set of social hosts](#) in the May 19, 2006 issue of The Lawyers Weekly

2. \$10 000 Small Claims Limit

Bill 39, [The Court of Queen's Bench Small Claims Practices Amendment Act](#), was introduced in the legislature on May 18, 2006. The amendments would increase the limit for small claims from \$7500 to \$10 000 and would also increase the general damages limit from \$1500 to \$2000. The Act has received First Reading.

3. SCC Refuses Leave: *Campeau v. Imperial Life*

3. On May 18, 2006, the Supreme Court of Canada refused leave to appeal the decision in [Campeau v. Imperial Life](#), 2005 MBCA 148. In this breach of contract case, the Manitoba Court of Appeal reduced the award for damages from \$250,000 to \$44,044, finding that

There is no basis in the evidence to warrant the amount of \$250,000 awarded to the plaintiff. The judge did not explain how that number, as opposed to some lower or higher number, was reached. With respect, this approach constitutes an error in law.

4. Advocacy CLE Webcast - June 6

On June 6, 2006, The Advocates' Society and The American College of Trial Lawyers, together with BAR-eX Communications Inc. are presenting a webcast of the "Spring Symposium 2006: Evidence, Advocacy & Persuasion" CLE program that took place on May 12 in Toronto. This full-day program features the noted American litigator [David Boies](#) of [Boies, Schiller & Flexner LLP](#). For more information or to register, contact: [BAR-eX](#).

5. Federal Court Notice

A Notice to the Profession from the Federal Court of Canada has been posted on The Law Society of Manitoba [website](#) re: general sittings and special sittings in July and August.

6. New Technology for Litigators

Westlaw eCarswell is introducing a new product called Litigator that they claim "combines practice tools with litigation-focused research components to automate your most tedious tasks and support you in your most strategic decisions." An information session is scheduled to take place in Winnipeg on June 19. For more information, visit their [website](#).

The Law Society of Manitoba provides this service solely for the benefit of and to support the competence of its members. Members should exercise their professional judgment in using or adapting any content.