



In this issue:

1. [No Interest on Death Benefit: C.A.](#)
 2. [Discovery of Experts: Q.B.](#)
 3. [The Implied Undertaking Rule](#)
 4. [Avoiding Mistakes at Trial](#)
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1. No Interest on Death Benefit: C.A.

The Manitoba Court of Appeal, in [Antonation v. Sylvester](#), 2007 MBCA 110 (CanLII) confirmed the lower court's decision that interest is not payable on a death benefit under a life insurance policy. In this case, the deceased went missing and was not declared dead until more than 7 years later. The insurer paid out the death benefit on the policy within 30 days of the court's declaration. The appellants sought payment of interest for some portion of that 7 year period, relying without success upon provisions of [The Insurance Act](#) and [The Court of Queen's Bench Act](#).

2. Discovery of Experts: Q.B.

[Telephoto Technologies Inc. v. Manitoba Jockey Club Inc.](#), 2007 MBQB 207 (CanLII) is a recent decision of Master Cooper, setting out the parameters for discovery of the qualifications and credibility of an expert.

3. The Implied Undertaking Rule

The British Columbia Court of Appeal recently addressed the implied undertaking rule in [Jampolsky v. Shattler](#), 2007 BCCA 439 (CanLII), and affirmed the judgment of the lower court which stated that:

The law delineating the scope of the implied undertaking of confidentiality respecting use of information obtained through the litigation discovery process draws a bright line. Use of that information within the litigation is permitted use. Use outside the litigation for an "alien" or "collateral" purpose is not permitted without the consent of the affected party or an order of the court.

That bright line tends to expedite litigation, which is the goal of all recent reforms of civil litigation procedure in various jurisdictions. An obscure line would tend to promote procedural controversy, which is antithetical to that goal. The current bright line sacrifices litigants' privacy for more procedural certainty. Its ultimate goal is to achieve a just result in the litigation.

The implied undertaking rule is also considered in the paper, [Confidential Information in Litigation](#) posted on the BC CLE website.

4. Avoiding Mistakes at Trial

The Canadian Bar Association's [PracticeLink](#) page is full of useful information for litigators and solicitors alike. The recently posted article, [Top Five High-Profile Trial Blunders and How to Avoid Them in Your Own Practice](#) is replete with practical tips to ensure that you will provide your clients with the competent representation they are entitled to.

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