

PRACTICE NOTE 21

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COSTS

1. Where costs are awarded on motions, applications and pre-trials they shall normally be fixed and made payable forthwith.
2. Costs on motions and applications, including ex parte matters shall normally be awarded on the basis of the Costs Guide attached hereto.
3. Costs shall not be awarded on ex parte matters dealt with on filed materials unless the applicant files a signed memorandum containing the required information mentioned in Form 57B.

COSTS GUIDE

In order to assist PARTIES in making costs submissions under Rule 57, and in completing Form 57B, the following guide is suggested. This guide includes the MAXIMUM rates that the courts will normally consider when fixing partial indemnity costs. The maximum rates are intended to apply only to the more complicated matters and to the more experienced counsel within each category. The parties are reminded that, to the degree that partial indemnity rates are helpful in making costs submissions, they should utilize rates in their submissions that fall within the range established by these maximums that is appropriate to their particular matter after giving due consideration to the factors set out in Rule 57.01(1).

GUIDE

Fee items in addition to the hearing itself which may be included in an award of costs include discovery of documents, drawing and settling issues on special case, setting down for trial, pre-motion conference, examination, pre-trial conference, settlement conference, notice or offer, preparation for hearing, preparation of order, issuing or renewing a writ of execution or notice of garnishment, seizure under writ of execution, seizure and sale under writ of execution, notice of garnishment, or for any other procedure authorized by the Rules of Civil Procedure.

Law Clerks and students-at-law	maximum of \$50.00/hr
Lawyer (less than 5 years)	maximum of \$90.00/hr
Lawyer (more than 5 but less than 10 years)	maximum of \$120.00/hr
Lawyer (10 or more but less than 20 years)	maximum of \$140.00/hr
Lawyer (20 years and over)	maximum of \$160.00/hr

Gerard E. Mitchell
Chief Justice of Prince Edward Island

Jacqueline R. Matheson
Chief Justice - Trial Division

September 1, 2005