

Federal Court



Cour fédérale

Date: 20140617

Docket: T-288-14

Citation: 2014 FC 577

Vancouver, British Columbia, June 17, 2014

PRESENT: Case Management Judge Roger R. Lafrenière

BETWEEN:

JACQUES FRANÇOIS BOULET

Applicant

and

THE ATTORNEY GENERAL OF CANADA

Respondent

REASONS FOR DIRECTIONS AND DIRECTIONS

[1] The Registry referred the Applicant's Record, which consists of two binders, to the Court for directions as to filing pursuant to Rule 72 of the *Federal Courts Rules*. Upon noting that the document was not in the form required by Rule 309(2), the Court instructed the Registry to contact counsel for the Respondent to obtain the Respondent's position regarding the irregularities.

[2] By letter dated June 12, 2014, counsel for the Respondent objects to the filing of the Applicant's Record and requests directions regarding the deadline for service and filing of the Respondent's Record. The Applicant responded on June 13, 2014 that "all letters and logic are legible and comprehensible and organized and follow the recommendation of the rules in the categorized information and such details are presented therein by quote of rule and process."

[3] For the following reasons, the Applicant's Record shall be rejected for filing.

[4] First, the Applicant's Record is premature in that it was tendered for filing before the expiration of the time for completion of written examinations: see paragraph 5 of the Order dated April 30, 2014. Second, the record contains numerous deficiencies that go beyond mere irregularities. By way of example, the Applicant has failed to reproduce the actual affidavit served on the Respondent, has moved exhibits around in different places in his record, and has included numerous additional "exhibits" and documents that were not previously attached to his affidavit and are not contemplated by Rule 309(2). The material is simply too jumbled and confusing.

[5] The Court recognizes that the Applicant is self-represented and may or may not be adequately informed or prepared to perfect a record. It remains that it is the Applicant's responsibility to familiarize himself with the procedural rules and to comply with them. As Mr. Justice James Hugessen stated in *Eric Scheuneman v Her Majesty the Queen*, 2003 FCT 37, "if a [party] insists upon representing himself, he must play by the same rules as everyone else."

[6] Self-represented litigants place considerable demands and stress on Court staff and the judiciary. Such litigants often lack knowledge about court procedures. They may also not understand the law and legal terminology. All too frequently, the burden of ensuring that the procedural steps to be taken by a self-represented litigant are properly performed falls on the Registry staff or the Court itself. As a result of the need to provide additional assistance to self-represented litigants, court resources are diverted and stretched, resulting in increased costs and delay in dealing with other matters. Although the problems presented by self-represented litigants compel Court staff and the judiciary to intervene to assist, there is a limit to what assistance may be provided. Moreover, close and individualized attention to one party renders the system vulnerable to claims of prejudice, favouritism and bias.

[7] The Court has repeatedly intervened to provide guidance to the Applicant and shown great flexibility in case managing the proceeding, including relieving the Applicant from the application of certain rules and extending deadlines to complete certain steps. The Court cannot, however, assume the role of counsel and provide legal advice to a party. Ultimately, it is the Applicant's responsibility to prepare, serve and file a proper record in accordance with Rule 309.

THE COURT DIRECTS as follows:

1. The Applicant's Record shall be rejected for filing and returned to the Applicant.

2. The Applicant is granted an extension of time to June 30, 2014 to serve and file the Applicant's Record containing only those documents listed in Rule 309(2), on consecutively numbered pages and in the specific order set out in Rule 309(2).

3. The time for service and filing of the Respondent's Record is extended accordingly.

"Roger R. Lafrenière"

Case Management Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: T-288-14

STYLE OF CAUSE: JACQUES FRANÇOIS BOULET v
THE ATTORNEY GENERAL OF CANADA

**DIRECTIONS IN WRITING
CONSIDERED AT:** VANCOUVER, BRITISH COLUMBIA

**REASONS FOR DIRECTIONS
AND DIRECTIONS:** LAFRENIÈRE P.

DATED: JUNE 17, 2014

WRITTEN REPRESENTATIONS BY:

Jacques François Boulet

FOR THE APPLICANT
(ON HIS OWN BEHALF)

Deborah Babiuk-Gibson

FOR THE RESPONDENT

SOLICITORS OF RECORD:

Jacques François Boulet
1005 West 4th Street
Anaconda, Montana
U.S.A.

FOR THE APPLICANT
(ON HIS OWN BEHALF)

William F. Pentney
Deputy Attorney General of Canada
Edmonton, Alberta

FOR THE RESPONDENT