

Federal Courts Publish the 2024-2025 Global Review of the Federal Courts Rules

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In December 2025, the Federal Courts Global Review Sub-Committee (the Sub-Committee) released its Final Report on the [2024-2025 Global Review of the Federal Courts Rules](#) (the Report). This concluded the first comprehensive review of the *Federal Courts Rules* (the *Rules*) in more than ten years. The Report emphasizes the need for targeted modernization of the *Rules*, particularly in the areas of electronic service and filing and digitization, procedural efficiency, and the removal of outdated practices and technology, while maintaining flexibility and access-to-justice.

The review was launched in April 2024 through a public consultation. 88 submissions were received from counsel, the legal profession, associations, academic researchers, and members of the public. The Sub-Committee reported a high degree of satisfaction with the current *Rules*, echoing the findings of the previous global review completed in 2012.

The Sub-Committee consists of Federal Court of Appeal Justices LeBlanc and Monaghan, Federal Court Justices Fothergill and Furlanetto and Associate Judges Steele and Horne, and Senior Counsel to the Sub-Committee, Dominique Henrie.

Recommendations

The Sub-Committee categorized its proposals into three groups: (1) priority areas for further development; (2) proposals not recommended at this time but warranting future review; and (3) proposals that the Sub-Committee does not recommend pursuing further.

Priority Areas

1. Modernizing the *Rules* to accommodate electronic service, filing, and broader digitization

The most significant priority recommendation is the modernization of the *Rules* to fully accommodate electronic service and filing.

Most consultation participants supported making electronic filing and service the default, reflecting that

these practices are already the norm in Federal Court proceedings. The anticipated benefits include reduced delays, lower costs, and fewer administrative inefficiencies. However, given the access-to-justice concerns for litigants with limited access to technology and reliable Internet connectivity, the Report emphasized that exceptions should be made to accommodate parties who face barriers to the use of technology.

2. Removing references to outdated practices and technologies

Another priority is removing outdated references in the *Rules*, including eliminating the option to serve, submit or file documents by fax; removing references to locked boxes; updating the provisions that address the length of documents and formatting; and improving payment processes.

3. Increasing the monetary limit for simplified actions

The Report recommends increasing the monetary threshold for simplified actions under Rules 292(a) and (b) from \$100,000 and \$50,000 (used for maritime actions *in rem*), respectively, to a higher limit. A limit of \$200,000 was suggested during the consultations.

Broad support emerged for this change, which would allow more disputes to benefit from a streamlined and cost-effective procedure, and place greater adjudicative responsibility on associate judges. The Sub-Committee also questioned why lower monetary caps apply to *in rem* maritime proceedings, suggesting harmonization may be appropriate.

4. Recommendations of the Registry

The Sub-Committee strongly endorsed a suite of proposed Registry reforms to improve operational efficiency. These include changes to electronic service and filing (e.g., allowing electronic service until 11:59 pm and standardizing time zones), removal of anachronisms (e.g., implementing a Rule enabling Guidelines or Practice Directions for formatting requirements, instead of having the requirements in the *Rules*), and incorporating elements from the Practice Directions. The full list of Registry Recommendations can be found in [Annex A](#) of the Report.

5. Miscellaneous amendments and housekeeping items

The Report also prioritized several miscellaneous amendments, including limiting written representations on a motion to a fixed page or word limit under Rule 364 and removing the 30-day notice in the notice of a pre-trial conference under Rule 261.

Several housekeeping items were prioritized by the Sub-Committee and included in [Annex B](#) of the Report, including adding the National Day of Truth and Reconciliation to the list of holidays under Rule 2 and to

change Rule 27(2) to include “His Majesty in right of Canada”.

Proposals for Future Consideration

Several proposals were not recommended for immediate action but may be revisited, including:

1. Incorporating elements from the Federal Courts’ Practice Directions into the *Rules*

The Sub-Committee recommended that the formalization of practice directions, especially in the area of costs, be explored further in the future. A key point of discussion was whether the *Rules* should require parties to be prepared to address costs at a hearing, given that the current silence in the *Rules* often leads to inefficiencies as parties are rarely prepared to make such submissions.

2. Expanding the role of associate judges under Rule 50

While many participants supported giving associate judges additional authority (e.g., judgments on consent and varying a judge’s order in specified circumstances), there were concerns about the degree of deference given to associate judges’ decisions on appeal, the availability of appeal mechanisms, and the potential impacts on existing caseloads. The Sub-Committee recommended deferring any expansion until further analysis is undertaken.

3. Granting a limited discretionary power to the Registry to accept or refuse non-compliant documents under Rule 72

Under Rule 72, documents that do not meet the formal requirements of the *Rules* must be referred to a judge or associate judge, and while many participants supported giving the Registry limited discretion to accept or reject certain irregular documents, others raised concerns about inconsistent application and potential procedural prejudice. The Rules Committee recognized both the potential efficiency gains and the risks of appeals or inconsistency, recommending that any such proposal be studied further, particularly in light of ongoing digitization.

4. Regulating the use of artificial intelligence

Despite growing attention to AI in litigation, the Sub-Committee recommended against amending the *Rules* at this time. The Federal Court’s existing [Notice on the Use of Artificial Intelligence in Court Proceedings](#) and associated practice guidelines were seen to provide sufficient tools to manage AI-related risks, without the rigidity of codified *Rules* that may quickly become outdated.

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Proposals Not Recommended for Further Action

The Subcommittee ultimately declined to recommend pursuing several proposals, including altering appeal routes for decisions of associate judges, creating separate *Rules* for the Federal Court and Federal Court of Appeal, enacting a Rule governing the scope of practice directions, or developing area-specific procedural rules, citing risks of added complexity, resource constraints, and the absence of clear advantages.

Takeaway

It is expected that the amendments to the *Rules* will focus on digitization, procedural efficiency, and modernization of the Registry. For practitioners, there will likely be incremental changes in the coming years to how litigation is conducted in the Federal Courts. Cassels will continue to monitor developments as the Rules Committee considers and implements the recommendations in the Report. If you have any questions, the Cassels [Litigation](#) and [Intellectual Property](#) Groups would be pleased to discuss.

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