

National Self Represented Litigants Project East



MCKENZIE FRIENDS IN NOVA SCOTIA: A RESEARCH REPORT

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Abstract

A McKenzie Friend is someone who passively assists a self-represented person in court. This concept lacks clarification in Nova Scotia, where McKenzie Friends remain largely unused. In other jurisdictions, there are policies around the role of McKenzie Friends in legal proceedings.

This report aims to help readers understand relevant terms and case law surrounding McKenzie Friends. I will look to Rule 34.08 of Nova Scotia's Civil Procedure to understand whether and how the Rule may accommodate McKenzie Friends in the Province.

I conclude that greater use of McKenzie Friends could be accomplished in the province by amending Rule 34.08 so that it aligns with similar rules in Alberta and Newfoundland and Labrador and by generating greater awareness of the role of a McKenzie Friend. Future work should seek to produce greater procedural clarity for self-represented persons who wish to apply for a McKenzie Friend to assist them in court.

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McKenzie Friends in Nova Scotia: A Research Report

Part 1: Overview

What is a McKenzie Friend?

In some Canadian jurisdictions, cases reveal uncertainty in the use of the term ‘McKenzie Friend’.¹ In other jurisdictions, cases have since clarified the meaning.² A useful definition is provided by Spon-Smith:

“A McKenzie Friend is somebody who accompanies a litigant in person to a court hearing for the purpose of assisting [them] in such matters as taking notes, helping to organise the documents, and quietly making suggestions – for example as to questions to put to a witness. Although usually a non-lawyer, the McKenzie friend should not be thought of as a species of lay advocate and has no right to address the court.”³

A McKenzie Friend therefore helps a person by accompanying them to court and serving as a sort of emotional support or support organizing documents and such, but the McKenzie Friend does not speak to the court on behalf of the person they are helping. As will be discussed in further detail below, a McKenzie Friend does not take on the same role as an *amicus curiae* or an agent.

We are referring to the type of assistance that a McKenzie Friend can provide: attending a hearing, taking notes, helping to organize documents as “passive assistance” as the McKenzie Friend does not actively participate in the hearing.

The concept of a McKenzie Friend comes from a family law case entitled *McKenzie v McKenzie* that took place in the United Kingdom. The British Court of Appeal ruled that ‘any person, professional or not, may attend as a friend of either party, may take notes, may quietly make suggestions, and give advice’.⁴

¹ See *R v S(JW)*, 2004 ABQB 407; *Schmidt-Paborn v Lucas*, 2005 ABQB 495; *Galati v Aviva Canada Inc*, 2011 OFSCD 5.

² See *Law Society (Manitoba) v Pollock*, 2007 MBQB 51 [*Pollock*]; *Lameman v Alberta*, 2012 ABCA 59 [*Lameman*]; *908077 Alberta Ltd v 1313608 Alberta Ltd*, 2015 ABQB 108 [*908077 Alberta Ltd*]; *National Leasing Group Inc v Acme Enterprises Ltd*, 2015 ABQB 631 [*National Leasing Group*]; *Steele v Rendell*, 2016 NLCA 70 [*Steele*].

³ Robin Spon-Smith, “McKenzie Friends” online: *Family Law Week* <<https://www.familylawweek.co.uk/site.aspx?i=ed1568>>

⁴ *McKenzie v McKenzie* [1970] 3 WLR 472, 3 All ER 1034 (Eng CA); See generally Angela Melville, “Giving Hope to Fathers’: Discursive Constructions of Families and Family Law by McKenzie Friends Associated with Fathers’ Rights Groups” (2017) International Journal of Law Policy and the Family 31:2 147 at 149.

Webley asserts that the use of McKenzie Friends in the UK have perpetuated “an environment in which admitted legal professionals and those with no legal accreditation compete vigorously for consumers”.⁵ However, a McKenzie Friend can be a valuable tool for self-represented litigants, particularly when they require support from someone close to them.

Are McKenzie Friends Recognized in Canada?

Individuals without legal training are prevented from practicing law under the *Legal Profession Act*.⁶ However, a McKenzie Friend does not practice law; they provide passive assistance.⁷

Across the country, jurisdictions have taken different approaches to McKenzie Friends. For example, the role is recognized in Ontario, but individuals work under heavy restrictions.⁸ There is a common law basis for McKenzie Friends in Manitoba.⁹ British Columbia has one case where a McKenzie Friend appeared on record.¹⁰

In Alberta and Newfoundland and Labrador, there are distinct rules for agents (who can speak to the court on behalf of the party) versus McKenzie Friends. Both provinces have clear guidelines regarding what a McKenzie Friend can and cannot do under the rule.

Having said this, Newfoundland and Labrador’s rule lacks important clarifications, which might explain why the case law does not reveal many uses of McKenzie Friends since the case of *Steele*.¹¹

Newfoundland and Labrador’s Rule 22(2)(b) provides that a party can apply for an assistant and the Court, “in exceptional circumstances and subject to such conditions as may be appropriate” may allow a person who is not a lawyer “*to sit with a party in the Court for the purpose of providing assistance, advice and support during the proceeding.*”¹²

⁵ Lisa Webley, “Legal Professional De(Re)Regulation, Equality, and Inclusion, and the Contested Space of Professionalism Within the Legal Market in England and Wales” *Fordham L Rev* 2349 at 2360.

⁶ *Legal Profession Act*, SNS 2004, c 28, s 16(1)(a), (2), 17(1); *Legal Profession Act*, CCSM, c L-107, s 20; *Law Society Act*, SNL 1999, c L-9.1 s 33, 2001 c N-3.1 s 2; *Law Society Act*, RSO 1990, c L-8 *contra Legal Profession Act*, SBC 1998, c 9, s 15(1)(b).

⁷ *908077 Alberta Ltd*, *supra* note 2 at para 21.

⁸ See *Blanks v Roberts*, 2018 ONSC 7699; *B2B Bank v Hails*, 2018 ONCA 366.

⁹ *Pollock*, *supra* note 2.

¹⁰ See *Hansra v Hansra*, 2015 BCSC 1254.

¹¹ *Steele*, *supra* note 2.

¹² *Newfoundland & Labrador Civil Appeal Rules*, *supra* note 60, Rule 22(2). Rule 22(3) then goes on to say how this assistant should act:

Alberta's Civil Procedure Rules provide clear guidance to the Court on when they can appoint an assistant and what the assistant can do:

2.23(1) The Court may permit a person to assist a party before the Court in any manner and on any terms and conditions the Court considers appropriate.

The rule then makes clarifications:

(2) Without limiting subrule (1), assistance may take the form of

- (a) quiet suggestions,*
- (b) note-taking,*
- (c) support, or*
- (d) addressing the particular needs of a party.¹³*

This rule closely mirrors the definition of a McKenzie Friend from reproduced on page 5 above. Important is that the rule does not indicate that the McKenzie Friend can provide legal advice or to represent the party.¹⁴

This rule has been successful in rolling out permissions for McKenzie Friends to assist self-represented litigants. As will be discussed in further detail below, the case law reveals that McKenzie Friends are becoming more common in Alberta.

(3) A person granted permission under subsection (2) shall deliver to the Court a completed Form 17, undertaking in writing:

- (a) not to receive directly or indirectly any compensation for the assistance provided, except reimbursement for expenses actually incurred, unless the Court otherwise permits;*
- (b) that his or her interests are not in conflict with the interests of the applicant under subsection (2); and*
- (c) to observe and be bound by the obligations that apply to an officer of the Court particularly as set out in Form 17.*

¹³ Alberta Civil Procedure Rules, Rule 2.23(2): subsections (a), (b) and (c) all indicate the role of a McKenzie Friend, whereas (d) allows judicial discretion on a case-by-case basis.

¹⁴ Rule 2.23(3) specifically excludes providing legal advice: *(3) Despite subrule (1), no assistance may be permitted (a) that would contravene section 106(1) of the Legal Profession Act, (b) if the assistance would or might be disruptive, or (c) if the assistance would not meet the purpose and intention of these rules.*

Are McKenzie Friends Recognized in Nova Scotia?

At the present time, while McKenzie Friends remain largely unrecognized in Nova Scotia, however, a person can ask the court for assistance from a McKenzie Friend under Rule 34.08(1) of the Civil Procedure Rules.¹⁵ The rule sets out that “[a] judge may permit a person to assist, and if necessary speak on behalf of, an individual party at a trial or hearing”.¹⁶ It is important to note that this rule provides that a person could ask for the type of “passive assistance”

Because Nova Scotia lacks a specific rule outlining the role and restrictions on the use of McKenzie Friends, courts may be reluctant to permit self-represented litigants to use support from McKenzie Friend when they appear in court. As will be discussed in further detail below, jurisdictions like Alberta have much more defined rules about what a McKenzie Friend is and what they can do and they are more often allowed to assist persons by the court.

The confusion over what is a McKenzie Friend can be seen in several cases where an individual applied to be a McKenzie Friend in criminal proceedings. Rather than acting as passive assistance, however, the individual wished to act more as an “agent” with the ability to speak on behalf of the accused. The individual’s request was denied.¹⁷ There were extensive reasons supporting the Court’s decision to not allow the individual to represent the accused as an agent.¹⁸

These cases show that in order for persons going to court to successfully apply for a McKenzie Friend to assist them in court, there has to be more clarity around what exactly a McKenzie Friend is. There may need to be greater awareness raised around the terms “McKenzie Friend” and how this is different than an “Agent”.

In the next section I distinguish these terms and others so as to prevent confusion when a person would like the assistance of a McKenzie Friend.

¹⁵ *Nova Scotia Civil Procedure Rules*, Rule 34.08(1).

¹⁶ *Ibid.*

¹⁷ *R v Gouchie*, 2005 NSCA 143.

¹⁸ *Gouchie*, *supra* note 16. In *CAV v LCM*, 2020 NSCA 59 an individual again attempted to act as an agent under Rs 34.08 and 34.09. Justice Derrick cited extensive reasons from prior judgments explaining this was not appropriate. However, the Court of Appeal did not take the opportunity to mention McKenzie Friends.

Part 2: Clarifying Important Terms

Differentiation Between the Term ‘McKenzie Friend’ and Other Supports

Each of the following terms have been used interchangeably with ‘McKenzie Friend’. However, they provide different supports and services.

1. Agents

The Supreme Court of Canada’s glossary states that agents are practicing lawyers who are “hired to provide procedural assistance” on matters before the court.¹⁹ However, there are several cases that construct potential agents as lay people who represent one party.²⁰ Agents have also been called ‘non-lawyer agents’.²¹ Nova Scotia refers to R 34.08 in Nova Scotia’s Civil Procedure Rules for non-lawyer agents.²²

Agents, unlike the traditional McKenzie Friend, speak on behalf of the self represented litigant.

2. Amicus Curiae (Friend of the Court)

An amicus curiae, also known as a or friend of the court, is a non-party who intervenes into proceedings.²³ Justice Jollimore explains that an *amicus curiae* appointment is “made to assist the judge or judges by providing information that would not otherwise be available”.²⁴ They present information in support of or against a party in a lawsuit, but do not representing a party like an agent would. With permission from the court, they can file a brief with arguments that have not been presented by either of the involved parties, or argue for or against one party.²⁵ They do not have discovery rights and are considered an amicus curiae upon intervening.²⁶

¹⁹ Supreme Court of Canada, “Glossary of Terms” (2021), online: *Supreme Court of Canada* <<https://www.scc-csc.ca/unrep-nonrep/glossary-lexique-eng.aspx>>.

²⁰ *R v Gouchie*, 2006 NSCA 109 [*Gouchie*]; *R v Cox*, 2013 NSCA 140 [*Cox*].

²¹ Jonathan Melo, “When Can Non-Lawyer ‘Agents’ Appear in Court” (2014), online: *CanLii Connects* <<https://canliiconnects.org/en/summaries/29614>>.

²² *Nova Scotia Civil Procedure Rules*, *supra* note 13, Rule 34.09.

²³ Thomson Reuters Practical Law, “Glossary: Amicus Curiae”, online: *Thomson Reuters Practical Law* <[https://ca.practicallaw.thomsonreuters.com/4-502-7653?transitionType=Default&contextData=\(sc.Default\)&firstPage=true](https://ca.practicallaw.thomsonreuters.com/4-502-7653?transitionType=Default&contextData=(sc.Default)&firstPage=true)>.

²⁴ *Lagace v Mannett*, 2012 NSSC 346 at para 14.

²⁵ Thomson Reuters Practical Law, *supra* note 23.

²⁶ *Nova Scotia Family Court Rules*, Rule 5.09.

3. Intervenor

According to R 35.10(1) in Nova Scotia's Civil Procedure Rules, a person "who is not a party to a proceeding and wishes to be joined may move for an order joining the person as an intervenor".²⁷

An intervenor must satisfy one of the following:

- (a) *the person has an interest in the subject of the proceeding;*
- (b) *the person may be adversely affected by the outcome of the proceeding;*
- (c) *the person ought to be bound by a finding on the determination of a question of law or fact in the proceedings;*
- (d) *intervention by the person is in the public interest.*²⁸

4. Lay Representation

Lay representation is a term used to describe a non-lawyer agent.²⁹ As mentioned above, McKenzie Friends are not a form of lay representation because agents, unlike McKenzie Friends do not typically speak on behalf of a self represented litigant.

5. Litigation Guardian

A litigation guardian is someone who acts on behalf of a child or a person who is incapable of managing their legal proceedings on their own.³⁰ In Nova Scotia, litigation guardians are appointed by a Public Trustee under the *Public Trustee Act*.³¹

Defining the Term 'Assistant'

Using the term 'assistant' as a blanket term is ambiguous in its legal application because it could mean acting as an agent in some cases³² or as a McKenzie Friend in others.³³

A Rule addressing the appointment of a McKenzie Friend only should clarify the different between an agent (who speaks on behalf of a party) and a McKenzie Friend.

²⁷ *Nova Scotia Civil Procedure Rules*, *supra* note 13, Rule 35.10(1).

²⁸ *Nova Scotia Civil Procedure Rules*, *ibid*, Rule 35.10(2).

²⁹ *R v Hillman*, 2015 NSSC 359 [*Hillman*].

³⁰ Nova Scotia, "Legal Representation Services" (2019), online: *Nova Scotia Canada* <https://novascotia.ca/just/pto/services_lr.asp>.

³¹ *Public Trustee Act*, RSNS 1989, c 379.

³² See e.g. *Cox*, *supra* note 16; *CAV v LCM*, 2020 NSCA 59 [*CAV*].

³³ See e.g. *Milne v Milne*, 2009 ABQB 361 [*Milne*]; *H(DW) v R(DJ)*, 2011 ABQB 608 [*H(DW)*] at para 150; *Lameman*, *supra* note 2; *Bretin*, *supra* note 11.

Part 3: McKenzie Friend Case Law Outside Nova Scotia

In this section, the paper divides McKenzie Friend case law into three periods. The first is from 2004 to 2013, where initial cases started to emerge in several of the provinces. From 2014 to 2016 there were significant developments in Alberta and Newfoundland and Labrador.

Finally, from 2018 to present day, Ontario has become increasingly restrictive on the allowance of McKenzie Friends. At the same time, Alberta has experienced procedural ease with several success stories in that time.

2004 to 2013

Alberta

There was some confusion among the first cases that mention the possibility of a McKenzie Friend in Canadian legal systems. For example, in *R v S(JW)*, Justice Watson takes *amicus curiae* to be the Canadian version of a McKenzie Friend.³⁴ During an Alberta Queen's Bench case a year later, Justice Veit understood the difference between an *amicus curiae* and a McKenzie Friend, but struggled to prevent parents from going further and actually “speaking for their son” at times throughout the hearing.³⁵

Two years later in *Milne*, a McKenzie Friend was permitted to assist the litigant throughout a family law matter.³⁶ The litigant, Ms. Reynolds, was described as “extremely intelligent, well-educated, energetic, and articulate”.³⁷ This marked Alberta’s progressive openness for someone close to a litigant to provide support by way of the new McKenzie Friend model. Alberta enacted a new rule of court dealing with McKenzie Friends specifically.³⁸ This rule was not cited by the first case that followed the enactment.³⁹

Lameman was the first case to reference R 2.23.⁴⁰ The Court discusses the range of McKenzie Friend services being from ‘similar to a legal expert’ to a ‘sympathetic supporter’.⁴¹ The lawyers were not permitted to do any more than a supporting role under Alberta’s *Legal Profession Act* ss 102 and 106.⁴² The decision was appealed, and the Court affirmed the lower decision, stating that

³⁴ *R v S(JW)*, *supra* note 1 at para 38.

³⁵ *Schmidt-Paborn v Lucas*, *supra* note 1 at para 21.

³⁶ *Milne*, *supra* note 33.

³⁷ *Ibid* at para 90.

³⁸ *Alberta Rules of Court*, Rule 2.23.

³⁹ *H(DW)*, *supra* note 33.

⁴⁰ *Lameman v Alberta*, 2011 ABQB 396.

⁴¹ *Ibid* at para 29.

⁴² *Legal Profession Act*, RSA 2000, c L-8, ss 102, 106.

“[a]ccess to justice...is not furthered by removing most of the restrictions on unqualified advocates”.⁴³

Manitoba

In 2007, there was one relevant case in Manitoba that has been cited in recent decisions. Pollock clarifies that McKenzie Friends may not represent a litigant.⁴⁴ The Court interprets the McKenzie Friend doctrine from the UK as not involving fees.⁴⁵ However, this assertion is contrary to evidence of reported McKenzie Friend organizations advertising a ‘more cost-effective alternative’ for litigants on their websites.⁴⁶ This suggests that there are fees involved with McKenzie Friend organizations in the UK.

Canadian cases have steered McKenzie Friends in the direction of not involving fees, which seems to have worked well for those who want to bring a close friend or family member with them to court.

Ontario

Early McKenzie Friend cases in Ontario took place shortly after Pollock. For example, Logtenberg sets out guidelines for a McKenzie Friend without citing any statute or common law as a basis for doing so.⁴⁷ This case received mostly negative treatment. A second case in the same year cited Pollock for its discussion of McKenzie Friends and how “fees are not involved”.⁴⁸ There was confusion regarding what role the person assisting would take and the judge noted that the discussion took the entire morning.⁴⁹

2014 to 2016

Alberta

In 2014, the Alberta Court of Appeal allowed a McKenzie Friend to accompany the accused to a criminal trial.⁵⁰ One year later, the Queen’s Bench was bound by *Lameman* to refuse a McKenzie Friend from going beyond a supporting function.⁵¹ In the same year, a non-lawyer was barred from self-representing his corporation.⁵² Then the Queen’s Bench recognized McKenzie Friends

⁴³ *Lameman*, *supra* note 2 at para 21.

⁴⁴ *Pollock*, *supra* note 2.

⁴⁵ *Ibid* at 122.

⁴⁶ *Melville*, *supra* note 4 at 155-156.

⁴⁷ *Logtenberg v ING Insurance Co* [2008] OJ No 3394, CarswellOnt 3061 at para 4.

⁴⁸ *Workplace Safety and Insurance Appeals Tribunal Decision No 1565/08I*, 2008 ONWSIAT 2055 at para 12.

⁴⁹ *Ibid* at para 14.

⁵⁰ *R v Simpson*, 2014 ABCA 301.

⁵¹ 908077 Alberta Ltd, *supra* note 2.

⁵² *Landmass Dirtworx Ltd v Prairie Mountain Construction Inc*, 2015 ABQB 362.

as distinct from ‘non-lawyer representation’ under s 106 of the *Alberta Legal Profession Act*.⁵³ This demonstrates Alberta’s progression in bringing McKenzie Friends into the legal process by way of statutes and addressing limitations.

British Columbia

British Columbia does not have statute about McKenzie Friends, but during a case that took place in 2015, the British Columbia Supreme Court listed a McKenzie Friend in the same section where counsel is typically listed.⁵⁴ This created some discrepancies in the records. For example, WestLaw lists the McKenzie Friend as counsel, whereas CanLii lists the individual as a ‘McKenzie Friend for the Respondent’.⁵⁵

Newfoundland and Labrador

In 2015, the Court of Appeal of Newfoundland and Labrador took steps towards recognizing McKenzie Friends in the province. In *Fiander*, the Court would not permit Mr. Pearce, who was not a member of the Newfoundland and Labrador bar, to act as a litigation guardian for a party involved in a civil matter.⁵⁶ The judge did, however, mention that Mr. Pearce could act as a McKenzie Friend, but did not discuss the details.

The following year, the Court of Appeal for Newfoundland and Labrador allowed a retired lawyer to represent his mother as a Litigation Representative.⁵⁷ Despite the fact that the proposed role was not a McKenzie Friend, the Court took the opportunity to clarify the difference between a McKenzie Friend and this kind of representation.⁵⁸ According to the judge, Rule 22(2)(b) permits a McKenzie Friend to “sit with a party in the Court for the purpose of providing assistance, advice and support during the proceeding”.⁵⁹

From 2018 to Present

Ontario

Ontario has taken a substantially more restrictive approach to McKenzie Friends than Newfoundland and Labrador and Alberta. In *Roberts*, a litigant brought a McKenzie Friend to assist with existing disabilities.⁶⁰ The Superior Court permitted this but suggested that McKenzie

⁵³ *National Leasing Group Inc*, *supra* note 2.

⁵⁴ *Hansra v Hansra*, 2015 BCSC 1254.

⁵⁵ *Ibid.*

⁵⁶ *Fiander v Mills*, 2015 NLCA 31 [*Fiander*].

⁵⁷ *Steele*, *supra* note 2 at para 30.

⁵⁸ *Ibid* at paras 19-20.

⁵⁹ *Ibid* at para 19; see *Newfoundland & Labrador Civil Appeal Rules*, Rule 22(2).

⁶⁰ *Blanks v Roberts*, 2018 ONSC 7699 [*Roberts*].

Friends are “normally restricted to the most complex cases”.⁶¹ In the same year, the Ontario Court of Appeal referred to the *Roberts* decision and stated that “the record is barren of any credible evidence that Mr. Hails is in need of a McKenzie friend”.⁶² This suggests that Ontario courts have lost sight of what the UK was trying to achieve by bringing McKenzie Friends into the legal process.

In the UK, there is a strong presumption in favour of allowing a McKenzie Friend to “further the interests of justice by achieving a level playing field and ensuing a fair hearing”.⁶³ The reasons for the rejection of a McKenzie Friend need to be compelling, beyond citing their ‘sufficient intelligence’ to represent themselves or confidentiality concerns.⁶⁴ However, the UK’s openness towards McKenzie Friends has also created challenges. For example, there is evidence of fathers’ rights groups having systematized the McKenzie Friend role in family courts for financial gain and to reinforce harmful misogynistic and patriarchal ideologies pitted against feminist scholarship.⁶⁵

While the courts are right to remain cautious about the level of discretion given to McKenzie Friends, the decisions made by courts in Ontario may have made the role no longer useful. No further cases involving McKenzie Friends have taken place in Ontario since *Hails*.

Alberta

In 2018, an appellant’s wife was allowed to appear on record as a McKenzie Friend without discussing it in the case.⁶⁶ One year later, an accused’s brother-in-law and co-accused was permitted to act as a McKenzie Friend.⁶⁷ The judge remarked that he “ably acted throughout as a McKenzie Friend”.⁶⁸ In the same year, a litigant’s wife was allowed to act as a McKenzie Friend with consent from the other party.⁶⁹ The judge remarked that “Mrs. Bretin was of assistance to Mr. Bretin and the Court”.⁷⁰ Finally, in 2021 the Alberta Court of Appeal listed a McKenzie Friend for the respondent without needing to talk about it in the case.⁷¹ Each recent case from Alberta shared the common thread of procedural ease.

⁶¹ *Ibid* at para 14.

⁶² *B2B Bank v Hails*, 2018 ONCA 366 [*Hails*].

⁶³ Spon-Smith, *supra* note 3.

⁶⁴ *Ibid*.

⁶⁵ Melville, *supra* note 4 at 15

⁶⁶ *Vanmaele v Maryniak*, 2018 ABCA 179.

⁶⁷ *R v Stephan*, 2019 ABQB 611.

⁶⁸ *Ibid* at para 121.

⁶⁹ *Bretin v Ross*, 2019 ABQB 957 at para 17.

⁷⁰ *Ibid*.

⁷¹ *Servus Credit Union Limited v Unruh*, 2021 ABCA 181.

Part 4: Conclusion

There is confusion surrounding the terms associated with McKenzie Friends and assistance. This ambiguity may explain judges' reluctance to permit or acknowledge McKenzie Friends in Nova Scotia. The current rule regarding assistance in Nova Scotia is ambiguous and in need of clarification. As well, there may not be a great deal of awareness among self-represented litigants about the role of McKenzie Friends or how to apply for this form of assistance in court.

In Alberta and Newfoundland and Labrador, there are distinct rules for agents versus McKenzie Friends. Both provinces have clear guidelines regarding what a McKenzie Friend can and cannot do under the rule. To date, Alberta's approach seems to be the most successful.

Alberta's R 2.23 provides clear guidance and discretion to the Court regarding when McKenzie Friends may provide support, outlines the role of McKenzie Friends, and prevents McKenzie Friends from acting as agents. If McKenzie Friends were to be used with greater frequency in Nova Scotia it may be advisable to adopt Alberta's R 2.23 in its entirety, replacing R 34.08 in Nova Scotia's Civil Procedure Rules. As well, greater awareness should be raised about the role of the McKenzie Friend and how to make a motion to apply for a McKenzie Friend.