

# PREHEARING CONFERENCE

**What is it?** A pre-hearing conference is required for:

- Any hearing set for one day or more in length (or for a half day in a location other than a metropolitan area);
- Where a review is sought of a bill/agreement under the *Legal Profession Act* that exceeds \$25,000.00;
- All appointments to assess bills of costs where the amount involved is \$45,000 or more;
- All references to the registrar under Rule 18-1(5) of the Supreme Court Civil Rules and 18-1(5) of the Supreme Court Family Rules.

The purpose of the pre-hearing conference is to avoid ambush and ensure that the parties will be ready to proceed on the date chosen for the main appointment. A pre-hearing conference must take place at least two months before the main appointment date (i.e., the date for the substantive hearing).

Usually it is the original appointment filed which sets the pre-hearing conference; the subsequent review or assessment is usually set by requisition. The practice may vary depending on the location, however, when you book your date with Supreme Court Scheduling you may confirm with them what document must be filed. Administrative Notice - 8 sets out the guidelines and procedures for pre-hearing conferences in Registrars' Matters.

Pre-Hearing Conferences may also be scheduled by the parties seeking directions about the conduct of a hearing (Civil Rule 18-1(5)(c) or Family Rule 18-1(5)(c)).

## What happens before the hearing?

The party requesting the pre-hearing conference contacts Supreme Court Scheduling for a date then files the appointment/requisition and delivers a copy of it to all affected parties. If the appointment opens a new court file, (usually for a review of a lawyer's bill or agreement under the *Legal Profession Act*), a filing fee is paid.

The parties should then turn their minds to the issues, determine how many witnesses will be called and how long they will testify, consider if experts will be called, what information and documents should be disclosed and an estimate of the length of the main hearing. These issues will all be canvassed at the pre-hearing

conference. A sample pre-hearing conference form that sets out the issues to be addressed may be found at;

[http://www.courts.gov.bc.ca/supreme\\_court/scheduling/PHC%20Report.pdf](http://www.courts.gov.bc.ca/supreme_court/scheduling/PHC%20Report.pdf)

## What happens at the hearing?

The registrar may make orders for production of documents and how they are to be delivered, direct that the parties set out issues and objections to the bill/accounts, revise the time estimate for the main appointment, set subsequent pre-hearing conferences, etc.

The registrar may direct one of the parties to draft an order or letter confirming the directions made at the pre-hearing conference.

## What happens after the hearing?

Both parties are expected to follow the registrar's directions made at the pre-hearing conference in order that the main appointment will proceed on the date set and both parties will be prepared and there will be no surprises.

## Further reading:

Continuing Legal Education Manual "Practice Before the Registrar".  
AN-8 - Pre-Hearing Conferences in Registrars' Matters

**Note: If you appear at the hearing without proper documentation or not having made proper disclosure to the opposing party, the matter may be adjourned. This will result in an inconvenience to you and the opposing party and may result in costs being awarded against you if it is thought that what you have done is improper.**

## Documents required:

- Appointment [Civil Form 49 or Family Form F55]
- Filing fee of \$80.00 at the time of filing the appointment
- Requisition is required only when the appointment has previously been filed.

This is an Information Sheet that provides general guidance only. It is not intended as legal advice. In the event of any conflict between this information and any Acts, Rules or law, the provision of the Acts, Rules or law apply.