



Effective Date: 2012/09/04

Number: PD- 36

Title:

Practice Direction

Consent Order to Waive Trial Management Conference

Summary:

This Practice Direction describes the procedure whereby parties may apply for a consent order waiving the requirement for a trial management conference pursuant to Civil Rule 12-2(1) and Family Rule 14-3(1).

Direction:

Proceedings to which this Direction applies

1. This Practice Direction applies to civil or family law proceedings in which:
 - a. the trial is set for hearing in Vancouver for 9 days or less
 - b. no party is self represented.

Application for Consent Order

2. Parties to a civil or family law proceeding to which this Practice Direction applies, may apply for a consent order waiving the requirement for a trial management conference pursuant to Civil Rule 12-2(1) or Family Rule 14-3(1) .
3. The application for an order waiving the requirement for a trial management conference must be brought no earlier than 84 days before the scheduled trial date and no later than 35 days before the scheduled trial date.

Procedure

4. A party applying for a consent order waiving the requirement for a trial management conference must:
 - a. complete a requisition in Form 31 or F33
 - b. complete a checklist in the form set out in Schedule A
 - c. prepare trial briefs in Form 41 or F45 and serve them on all parties of record
 - d. email copies of the completed requisition , checklist , and trial briefs to WaiveTMC@courts.gov.bc.ca.

Review of Application by Judge or Master

5. An application for a consent order waiving the requirement for a trial management conference pursuant to Civil Rule 12-2(1) or Family Rule 14-3(1) will be reviewed by a judge or master.
6. If the order is granted by the judge or master reviewing the application, the Requisition will be so endorsed and the parties advised.
7. If the order is refused by the judge or master reviewing the application, the requisition will be so endorsed. The parties will be expected to schedule a trial management conference in accordance with Civil Rule 12-2(3) or Family Rule 14-3(3).

Request for a Trial Management Conference after Consent Order

8. If, after the parties have obtained a consent order waiving the requirement of a trial management conference, there is a change in circumstance that in the opinion of a party warrants a trial management conference, a party may request a trial management conference no later than 28 days before trial. Such a request may be made by requisition in Form 17 or F17, specifying the grounds for the request.

Robert J. Bauman
Chief Justice

SCHEDULE A

CHECKLIST FOR CONSENT ORDER TO WAIVE TRIAL MANAGEMENT CONFERENCE – PD 36

1. Length of Trial

Do all counsel confirm that they are confident that the hearing of all the evidence and submissions will complete within the currently scheduled trial hearing dates?

yes []

2. Have the parties exchanged trial briefs and are they attached?

yes []

3. Readiness

Are further amendments to the pleadings, applications, examinations for discovery, interrogatories, admissions or expert reports required before the trial?

yes []

no []

If yes, explain:

4. Trial Efficiency

What steps have the parties taken to narrow the issues in the case and to make the trial more efficient, such as admissions of fact, joint document books, a documents agreement, or otherwise?

Describe:

5. Does this trial involve/require:

- a. out of town witnesses? if so, indicate where witnesses are travelling from
yes [] no []

- b. interpreters? If so, indicate language[s] required
yes [] no []

- c. security concerns? If so, whether sheriff required in the courtroom
yes [] no []

- d. special equipment/courtroom arrangements
 - o Videoconferencing yes [] no []
 - o Teleconferencing yes [] no []
 - o Evidence Presentation System yes [] no []
 - o large courtroom required yes [] no []
 - o arrangements for media yes [] no []

6. Additional Explanatory Comments in Support of Order

[If counsel do not agree on trial estimates, if amendments to the pleadings are contemplated or if there are substantial pre-trial steps yet to be completed, counsel should indicate what arrangements have been agreed upon to ensure the trial proceeds efficiently as scheduled]
