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Title:

Practice Direction

Judicial Management and Early Assignment of a Trial Judge or Hearing Judge in Civil and Family Proceedings

Summary:

This Practice Direction sets out the procedure for requesting judicial management and/or the early assignment of a trial judge or judge hearing a petition in civil and family proceedings, other than insolvency proceedings.

Direction:

Criteria for judicial management

1. In considering whether to assign a proceeding for judicial management, the Chief Justice will have regard to all the relevant circumstances, including any or all of the following:
 - a. The complexity of the proceeding;
 - b. The importance of the issues in dispute;
 - c. The interests of any child affected, if relevant;
 - d. The volume and complexity of the evidence, including the number of (or expected number of) expert witnesses and medical reports;
 - e. The number and type of parties or prospective parties, and whether they are represented;
 - f. Whether there is a high level of conflict between the parties;
 - g. The amount of intervention by the court the proceeding is likely to require;

- h. Whether there has been substantial delay in the conduct of the proceeding; and
- i. Any other circumstances that should be considered to meet the purpose and intention of Rule 1-3 of the *Supreme Court Civil Rules* or the *Supreme Court Family Rules*, as applicable.

Procedure for requesting judicial management

- 2. A party or counsel wishing to make a request for judicial management must do so in Form 19 / Form F19.2, as appropriate, at a case planning conference. The requesting party or their counsel must explain to the case planning judge or master how their proceeding meets the criteria for judicial management.
- 3. Where the case planning judge or master is satisfied that the circumstances support judicial management, the case planning judge or master may provide a recommendation to the Chief Justice to assign the proceeding for judicial management. The Chief Justice may make or decline to make such an assignment, having regard to:
 - a. The applicable criteria; and
 - b. Operational needs and/or the availability of judicial resources.

Assignment of a proceeding to judicial management

- 4. The Chief Justice may, at any time, on the Chief Justice's own initiative, assign a proceeding for judicial management, or remove a proceeding from judicial management.
- 5. Where the Chief Justice has assigned a proceeding for judicial management:
 - a. The judge assigned to judicially manage the proceeding will, unless unavailable or disqualified, conduct all further case planning conferences and judicial case conferences (if applicable) and hear all further applications in the proceeding; and
 - b. The judge assigned to judicially manage the proceeding may or may not preside at the trial or hearing of the proceeding.

Criteria for early assignment of a trial judge or judge hearing a petition

- 6. In considering whether to direct the early assignment of a trial judge or judge hearing a petition, the Chief Justice will have regard to all the relevant circumstances, including any or all of the following:
 - a. The time required for the trial or hearing;
 - b. Whether there is an urgent need to resolve the issues in the proceeding, in that a party will likely suffer prejudice if the trial or hearing does not proceed in a timely manner; and

- c. Any other circumstances that should be considered to meet the purpose and intention of Rules 1-3 of the *Supreme Court Civil Rules* or the *Supreme Court Family Rules*, as applicable.

Procedure for requesting early assignment of a trial judge or judge hearing a petition

7. A party or counsel wishing to make a request for the early assignment of a trial judge or judge hearing a petition must do so in Form 19 / Form F19.2, as appropriate, at a case planning conference. The requesting party or their counsel must explain to the case planning judge or master how they meet the criteria for the early assignment of a trial judge or hearing judge.
8. Where the case planning judge or master is satisfied that the circumstances support the early assignment of a trial judge or judge hearing a petition, the case planning judge or master may provide a recommendation to the Chief Justice to direct the early assignment of a trial judge or hearing judge.

Early assignment of trial judge or judge hearing a petition

9. The Chief Justice may direct or decline to direct the early assignment of a trial judge, having regard to:
 - a. The applicable criteria; and
 - b. Operational needs and/or the availability of judicial resources.
10. The Chief Justice may, at any time, on the Chief Justice's own initiative, re-assign a trial judge or hearing judge that was previously assigned to a particular proceeding.
11. Where the Chief Justice has directed the early assignment of a trial judge or judge hearing a petition:
 - a. The assigned judge will preside at the trial unless unavailable or disqualified; and
 - b. The assigned judge may, at their own discretion, conduct case planning conferences and judicial case conferences (if applicable) and hear applications in the proceeding.

Christopher E. Hinkson
Chief Justice