



Effective Date: 2016/07/01

Number: PD- 51

Title:

Practice Direction

Consent Order to Dispense with Trial Management Conference in Civil Cases

Summary:

This Practice Direction describes the procedure for parties in a civil case to apply for a consent order pursuant to Rule 12-2(3.4) and Rule 8-3(1) dispensing with the requirement for a trial management conference pursuant to Rule 12-2(1). The application must be efiled through Court Services Online.

Direction:

Application must be efiled through Court Services Online

1. The parties in a civil case may apply pursuant to Rules 12-2(3.4) and 8-3(1) for a consent order dispensing with the requirement for a trial management conference. To manage these applications effectively, this Practice Direction directs that such applications be efiled through Court Services Online (“CSO”). When prompted, the applicant submitting the materials to CSO should select “yes” in response to the question of whether the documents should go to Supreme Court Scheduling.

Materials to be submitted by applicant

2. The applicant must submit the following materials:
 - a) a Requisition in Form 31 with the following documents attached to the Requisition:
 - i. a copy of the filed Trial Brief in Form 41 of each party of record;

- b) the Consent Order in Form 34;
- c) a Checklist in the form attached as Schedule A to this Practice Direction.

Copy of the application to be sent to dedicated email inbox

- 3. In addition to e-filing the application materials listed in paragraph 2, the applicant must send an email to DispensewithTMC@BCCourts.ca, (an email inbox managed by Supreme Court Scheduling), referencing:
 - a) the CSO package number;
 - b) the location of the registry where the package was efiled;
 - c) the court file number.

Review of Application by Judge or Master

- 4. The judge or master reviewing the application may make the order to dispense with the trial management conference if satisfied that the matter is ready to proceed and can be completed within the time reserved for it.

If Order Refused, Trial Management Conference Must Take place

- 5. If the order is refused by the judge or master reviewing the application, the trial management conference must take place in accordance with Rule 12-2(1) at least 28 days before trial or as otherwise ordered.

Chief Justice C. E. Hinkson

SCHEDULE A-
CHECKLIST

APPLICATION FOR CONSENT ORDER TO DISPENSE WITH TRIAL MANAGEMENT CONFERENCE-

No.
.....Registry

In the Supreme Court of British Columbia

Between:

Plaintiff(s)

and

Defendant(s)

Date Set for Trial Management Conference and Trial

1. The trial management conference is set for.....
2. The trial is set for for days.

Materials submitted on the Application

- [] Requisition in Form 31 with the following documents attached to the Requisition:
 - [] a copy of the filed Trial Brief in Form 41 of each party of record;
- [] the Consent Order in Form 34;
- [] Checklist

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:

Trial Efficiency

Describe what steps the parties have 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.

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 []

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]
