

## **RULE 36 – CASE MANAGEMENT CONFERENCE**

### **Mandatory for self-represented plaintiffs/petitioners**

- (1) Where a plaintiff or petitioner is self-represented, a case management conference shall be scheduled no later than 60 days from the filing of an originating process, except for family law proceedings, estate matters, collections, foreclosures and adoptions.

### **By request**

- (2) Any party may request the holding of a case management conference by letter or email to the Trial Coordinator at any time after an originating process has been filed.
  - (2.1) At the time a request is made, the party requesting a case management conference shall identify in writing the issues to be discussed and any orders or directions being sought from the case management judge.

### **By order**

- (3) Upon request, or on their own initiative, at any stage of a proceeding a judge may order that a case management conference be held.

### **Agenda**

- (4) A case management conference shall be attended by the lawyers for the parties, or the parties themselves, and shall consider:
  - (a) the simplification of the issues;
  - (b) the necessity or desirability of amendments to pleadings;
  - (c) the possibility of obtaining admissions which might facilitate the trial or hearing;
  - (d) the use of a court-appointed expert or the directions for a jointly-instructed expert;
  - (e) directions for the conduct of the proceeding;
  - (f) questions of liability, damages and any other relief claimed;
  - (g) the requirement for and length of examinations for discovery;
  - (h) the production of documents, electronic discovery and electronic trial;
  - (i) fixing a date for the trial or hearing; and
  - (j) any other matters that may aid in the disposition of the action or the attainment of justice, including those matters set out in subrule (6).

## **Applications**

- (5) Applications may be heard and decided at case management conferences, in which case Rule 47 applies, unless otherwise directed by the case management judge.

## **Order following conference**

- (6) At a case management conference, the judge may, whether or not on the application of a party, order that:
- (a) the pleadings be amended or closed within a fixed time;
  - (b) a party file and deliver, within a fixed time, to each other party as specified by the judge, an affidavit of documents in accordance with the directions that the judge may give;
  - (c) applications be brought within a fixed time or on a specified date;
  - (d) a statement of agreed facts be filed within a fixed time or by a specified date;
  - (e) the parties comply with any directions given;
  - (f) all procedures for discovery be conducted in accordance with a schedule and plan that the court directs, and the plan may set limitations on those discovery procedures;
  - (g) the obligation to pay conduct money to any of the parties or persons to be examined be allocated in the manner specified in the order;
  - (h) a party deliver a written summary of the proposed evidence of a witness within a fixed time or by a specified date;
  - (i) the parties attend an alternative dispute resolution process or a judicial settlement conference;
  - (j) a court appointed expert under Rule 33, or a jointly-instructed expert, be appointed;
  - (k) experts who have been retained by the parties confer, on a without prejudice basis, and determine those matters on which they agree and identify those matters on which they do not agree;
  - (l) each party disclose the witnesses to be called, the length of time for examination and cross-examination and notify the judge of any preliminary or in-trial applications that may be required;
  - (m) in lengthy and complex matters:

(i) the preparation of a trial plan setting out the specific days in which witnesses will be called;

(ii) timelines for filing outlines, briefs and case law. An outline or brief should contain a statement of facts, issues, law, and analysis;

(n) the trial or hearing be set on a particular date;

(o) settlement offers be exchanged; and

(p) the trial or hearing be adjourned and a new date be set,

and, on making a Case Management Conference Order in Form 108 under this subrule, the judge may give other directions that they think just or necessary.

(6.01) If counsel are unable to meet deadlines that have been set, a further case management conference should be requested. If counsel agree to change the deadlines, they may submit a desk order on consent.

(6.02) Any directions given at the case management conference are orders of the Court.

(6.1) An order made in case management may be signed and filed by counsel for one party after receiving approval as to form and content from the other parties or counsel for those parties.

(6.2) Trial dates will be discussed at a case management conference. Adjournment applications may also be considered at a case management conference.

#### **Case management judge may preside**

(7) The case management judge may preside at the trial or hearing.