



Effective Date: 2012/09/04

Number: PD- 37

Title:

Practice Direction

Consent Order to Waive Trial Management Conference

Summary:

PD-36 is rescinded and is replaced by PD-37.

This Practice Direction describes the procedure whereby parties may apply pursuant to Rule 8-3(1) or Family Rule 10-7(1) 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).

The Practice Direction stipulates that an application for a consent order waiving the requirement for a trial management conference must be efiled in accordance with Rule 23-3 and Family Rule 22-4. The rationale for requiring that these applications be efiled is to facilitate a streamlined and efficient process and enable judges or masters throughout the Province to receive and review these applications quickly.

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, and
 - 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 under Rule 8-3(1) or Family Rule 10-7(1) 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. The application for a consent order waiving the requirement for a trial management conference must be transmitted for filing electronically (efiled) in accordance with Rule 23-3 and Family Rule 22-4 and must include the following:
 - a. a requisition in Form 31 or F33 with a completed Checklist in the form of Schedule A to this Practice Direction, attached to the requisition
 - b. a draft of the proposed order in Form 34 or F33
 - c. trial briefs of each party in Form 41 or F45.
5. In addition to efilng the application, a party applying for a consent order waiving the requirement for a trial management conference must also email a copy of the requisition to WaiveTMC@courts.gov.bc.ca , an email box managed by Supreme Court Scheduling.

Review of Application by Judge or Master

6. 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.
7. If the order is refused by the judge or master reviewing the application, the parties will be expected to schedule a trial management conference in accordance with 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

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]
