

TRIBUNAL

Practice Direction

JULY 13, 2021

In-person, videoconference and other forms of hearing

Introduction

1. As of March 17, 2020 the Law Society building was closed to the public, and it has remained closed due to the ongoing COVID-19 crisis. The Law Society has now announced the reopening of the building on Monday, July 19, 2021. This allows for the resumption of discipline and credentials hearings conducted in person in the Law Society building.
2. However, as indicated in the April 27, 2020 practice direction on this subject, “After the Law Society building re-opens, there will be cases where in-person appearances will not be necessary, and it will be desirable to save time and costs by using alternative approaches.” This Direction is intended to establish processes by which hearings can be set in the appropriate format as efficiently as possible.
3. This Direction is in force until further notice, as are provisions in the previous practice directions that are not inconsistent with this Direction.
4. In-person hearings will continue to be subject to the health and safety directives of the appropriate authorities. Parties and counsel are required to respect and comply with those directives and other measures taken by the Tribunal to keep hearing participants as safe as possible.

Presumptive hearing formats

5. The following directions apply to matters to be set for hearing on or after Monday, July 19, 2021.

6. Hearings that may involve issues of credibility of witnesses giving oral evidence will proceed in person in the Law Society building unless otherwise ordered.
7. All other hearings will proceed by videoconference unless otherwise ordered.
8. One or both parties may bring an application for an order to proceed under a format other than that mandated above. For discipline hearings, the application should be brought under Rule 4-36. In other cases, a similar process will be followed. The application should include submissions in support of the alternative format proposed and any evidence to support the submissions. Where appropriate, provision will be made for the response of the other party and a reply.

Christopher McPherson, QC

President's Designate