



**LSBC TRIBUNAL**  
**Practice Direction: Comprehensive Pre-hearing Conferences**  
**May 25, 2022**

1. This direction applies to a citation issued under Part 4 of the Law Society Rules and a notice of referral to a credentials hearing issued under Part 2 of the Law Society Rules.
2. Effective immediately, the following practice and procedure is to be applied to pre-hearing applications.

**Comprehensive Pre-hearing Conference**

3. The purpose of a comprehensive pre-hearing conference is to facilitate the just and most expeditious disposition of a proceeding.

**When a comprehensive prehearing conference is scheduled**

4. The Tribunal must schedule a comprehensive pre-hearing conference in every proceeding (other than a summary hearing; a motion to vary or cancel an interlocutory suspension or restriction; or a terms dispute) that has not been set for hearing within 8 months of the proceedings being initiated.
5. The Tribunal must schedule a comprehensive pre-hearing conference in any proceeding that is set for hearing for more than 5 days.
6. The Tribunal may, at the request of a party, or on its own initiative, schedule a comprehensive pre-hearing conference in any proceeding, at any time.

**Issues discussed at comprehensive pre-hearing conference**

7. A motions adjudicator assigned to a comprehensive pre-hearing conference may discuss with the parties,
  - (a) the identification, limitation or simplification of the issues in the proceeding;
  - (b) the identification and limitation of evidence and witnesses;

- (c) the possibility of settlement of any or all of the issues in the proceeding;
- (d) the possibility of the parties entering into an agreed statement of facts;
- (e) the procedural steps appropriate to moving the matter toward a hearing in a fair and timely manner; and
- (f) any other matter that would facilitate the just and most expeditious disposition of a proceeding.

### **Confidential and without prejudice**

8. A comprehensive pre-hearing conference is confidential, without prejudice and closed to the public. No one may disclose what occurred at a comprehensive pre-hearing conference or what is contained in a comprehensive pre-hearing conference memorandum, unless otherwise ordered or required by law.
9. The motion adjudicator's endorsement of any agreements reached and any directions or orders made are not confidential or privileged and may be disclosed.

### **Directions at comprehensive pre-hearing conference**

10. A motions adjudicator assigned to a comprehensive pre-hearing conference may:
  - (a) schedule or adjourn an appearance;
  - (b) set timelines and deadlines for steps in the proceeding;
  - (c) set guidelines and deadlines with respect to expert reports; and
  - (d) make any other procedural directions pursuant to Rules 5-5.1 that would aid in the disposition of the hearing.
11. A motions adjudicator may make procedural directions at a comprehensive pre-hearing conference whether or not the parties consent.

### **Comprehensive pre-hearing conference memoranda**

12. Each party must prepare a comprehensive pre-hearing conference memorandum containing a statement of the facts the party relies upon and its position on the issues in the proceeding.
13. Each party's memorandum must be sent by e-mail to the other parties and to the Tribunal Office.

14. The Law Society's memorandum must be sent at least two weeks prior to the first comprehensive pre-hearing conference. The respondent's or applicant's memorandum must be sent at least one week prior to the first comprehensive pre-hearing conference.

**Limitation on assignment comprehensive pre-hearing conference Tribunal member**

15. Except with agreement of the parties, a motions adjudicator who conducts a comprehensive pre-hearing conference shall not be appointed to the panel deciding the hearing on the merits or to any review of that proceeding, nor shall a member of the panel assigned to a hearing preside at a comprehensive pre-hearing conference. The parties must confirm their agreement by filing a consent (Form 24).
16. This Practice Direction does not preclude a motions adjudicator who conducted a comprehensive pre-hearing conference from conducting a regular pre-hearing conference in the same matter.

Christopher McPherson, QC  
Tribunal Chair