

## PRACTICE DIRECTION – PRE-HEARINGS

### INTRODUCTION

In an effort to increase the efficiency of the discipline process, promote procedural fairness and access to justice, the parties may make an application or the Chair of the Discipline (Appeals) Committee may direct the parties to participate in a pre-hearing conference.

### AUTHORITY

Rule 7 – Rules of Practice

Sec. 5.3 - Statutory Powers and Procedures Act

### PURPOSE

A pre-hearing conference is a meeting held in advance of a contested hearing before one member, appointed by the Chair, of the respective committee. Once a pre-hearing has been directed, full participation is mandatory.

All discussions at a pre-hearings conference are conducted on a without prejudice basis, meaning that nothing said will be disclosed to the Panel at the hearing unless an agreement with respect to any of the issues or procedural directions result from the discussions. All pre-hearings are closed to the public.

The purpose of the pre-hearing is to reach a settlement of the matter, identify and narrow issues, seek agreement on certain facts or evidence, determine the amount of time required for a contested hearing, foster dialogue, facilitate the exchange of information and explore the advisability of other forms of resolution.

A pre-hearing is conducted via teleconference or in person.

A member of the Committee who conducts a pre-hearing is encouraged, wherever possible, to preside over any subsequent pre-hearings in the same matter.

The member of the Committee who conducted the pre-hearing conference shall not be a member of the panel at a contested hearing.

At the end of the pre-hearing, an Order will be issued reflecting what has been accomplished. The Order may address the following:

- The names of the parties and legal representatives who attended;
- Confirmation of the date, time and location of the hearing after canvassing availability with the parties;
- Disclosure of documents and timing of the delivery of any additional disclosure;
- Settlement of any issues or facts agreed to by the parties.