

8. The assigned judge will hear interlocutory applications in the case unless other duties make that impractical. No motions in an assigned case will be heard in regular chambers without prior approval of the assigned judge.
9. Application dates will be arranged through the trial coordinator in the registry where the judge resides which may not be the registry where the trial is scheduled.
10. Any further requirements of the assigned judge will be discussed at the initial case management conference.
11. Trial division will forward to the plaintiff (or counsel for the plaintiff) and to the first named defendant (or counsel) a Trial Brief Warning in Form D attached to this Practice Direction approximately 90 days in advance of the Trial Date.

## Part II. — Case Management — Cases of 11 Days or More

1. All cases of 11 days or longer in which a Request for Assignment of Trial Judge has been received before December 1, 1998 will be subject to the rules set forth above. In particular, where no trial date has been set, the trial date will be set in the manner set out in Part I, paragraph 2 above.
2. All cases of between 11 and 19 days in length in which no Request for Assignment of Trial Judge has been received before December 1, 1998 will be subject to Parts III and IV of this Practice Direction.

## Part III. — Pre-Trial Conferences

[Replaces the "Conference to Verify Estimates" section of the Notice dated March 27, 1997 entitled "Re: Trial Scheduling — New Westminster and Vancouver"]

1. For all civil trials of four to 19 days in length and all jury and priority trials of less than 20 days in length, a pre-trial conference will be held before a master or judge within 30 days of the trial date. Counsel (or the parties, if unrepresented) will be responsible for booking the conference.
2. The pre-trial conference is to ensure the case is ready to proceed and to identify trials which may exceed their estimated length. If it appears to the judge or master presiding at the pre-trial conference that a trial is not ready to proceed or cannot be completed within the estimate, the master or judge may adjourn the trial or remove it from the trial list.
3. The judge or master conducting the pre-trial conference may order that the parties prepare a detailed trial agenda for review by the judge, master or trial judge, as appropriate.

## Part IV. — Case Management of Cases of One to 19 Days in Length

1. Management of cases of one to 19 days in length will be restricted to those cases that are in need of court management; otherwise management will remain in the hands of counsel.
2. The selection of cases to be managed by the court will be by the Chief Justice, as follows:
  - (a) upon application by a party (or counsel), by way of a letter directed to Trial Division (in Vancouver) or to the Trial Coordinator, Registrar or Deputy Registrar (in other locations). The letter should set out cogent reasons why a case management judge should be appointed;
  - (b) upon recommendation by a Judge or Master or by Trial Division (in Vancouver), the Trial Coordinator, Registrar or Deputy Registrar (in other locations)

3. If a case management judge is appointed, the case management judge may remove a case from case management if that judge is of the view that case management is no longer needed.
4. The case management judge will not be required to hear interlocutory applications, but may do so at his or her discretion.
5. The case management judge will not be the trial judge unless so assigned by the Chief Justice.

Chief Justice Bryan Williams

## Form A

No. ....  
 Registry  
 IN THE SUPREME COURT OF BRITISH COLUMBIA  
 BETWEEN: ..... Plaintiff(s) AND: Defendant(s)

### Request for Assignment of Trial Judge (Trials 20 days and over)

[We request that a trial judge be assigned to this action.

Nature of Action .....

Place of trial is .....

All parties estimate the length of the trial at ..... days

[Or]

The estimate by each counsel or party of the length of trial (including argument) is:

Plaintiff(s): ..... days

Defendant(s): ..... days

Particulars of any related actions and the solicitors having conduct thereof (or of unrepresented parties) are attached. A list of all solicitors having conduct of this action (and the parties they represent) and all unrepresented parties, with their respective addresses, telephone and fax numbers is attached.

..... Date

..... party or solicitor having conduct of action

NOTE: TWO copies of this form must be submitted to the trial coordinator with the original and three copies of the Notice of Trial and a single copy of the pleadings.

## Form B

No. ....  
 Registry  
 IN THE SUPREME COURT OF BRITISH COLUMBIA  
 BETWEEN: ..... Plaintiff(s) AND: Defendant(s)

ests of the infant. For example, the frailties of the evidence, the risks of failure at trial or the potential quantum of the award may all be information which the infant plaintiff's counsel believes neither the opposing counsel nor the public at large should be aware of. In these circumstances, counsel should apply to seal the affidavits and/or for a hearing *in camera*. In either case, counsel for the Public Trustee or a guardian shall not be denied access to any documents filed, nor shall he or she be denied access to any hearing heard *in camera*.

## 2. — Applications for Approval of Proposed Settlements during Trial

Unless the trial judge directs otherwise, he or she will hear any application to approve a proposed settlement and the legal fees to be charged by the infant plaintiff's counsel. The materials to be filed in support of such application are those listed above.

Again, there may be cases in which the infant plaintiff's counsel wishes to preserve the confidentiality of certain information for the reasons noted earlier. The trial judge will exercise his or her discretion in determining the degree of confidentiality, if any, to be accorded to the application, and whether the application should be referred to another judge.

## 3. — Applications for Approval of Fees Following Trial and Judgment

Where judgment is recovered by an infant at trial and where the total amount for legal fees, including disbursements, to be deducted from the award exceeds \$10,000 (and where the matter is not dealt with at trial), application for approval of the proposed legal fees to be charged must be heard by the trial judge, if available. The trial judge will determine whether the matter will proceed by way of oral hearing or written submissions.

Chief Justice Bryan Williams

## Notice Re: Case Management

November 20, 1998

By a Notice to the Profession dated December 20, 1996, and commencing on February 3, 1997 all civil actions with an estimated trial length of 11 days or more were directed to be managed by the trial judge. The unexpected popularity of the program has simply overwhelmed the ability of the court to manage it. The number of cases in the program is more than double what was anticipated.

As a result, the program is being modified to reduce the caseload. Commencing December 1, 1998, only those cases with an estimated trial length of 20 days or more will be accepted in the program. A Practice Direction of today's date outlines the revised procedure applicable to 20-day and longer cases commencing December 1, 1998. I thought it was preferable to publish a replacement Practice Direction, rather than an amended one to ensure that the rules related to case management are all found in one Practice Direction. This also accords with our efforts to consolidate the existing Practice Directions.

The Practice Direction deals with case management of civil actions in general. It restricts pre-trial management of cases of less than 20 days in length to those that are in need of management; otherwise, it leaves pre-trial management in the hands of counsel. It also requires a pre-trial conference by a Master or Judge for all civil trials of four to 19 days in length and all jury and priority trials of less than 20 days in length to ascertain the state of readiness of the case for trial and to verify the trial duration estimates.

In certain circumstances the Chief Justice may assign a case management judge (who may not be the trial judge) in a case of any length, or may appoint the trial judge earlier than usual.

Chief Justice Bryan Williams

## Practice Direction Re: Case Management

November 20, 1998

### Part I. — Case Management by Trial Judge — Cases of 20 Days or More in Length

*[Rescinds Notice to the Profession dated December 20, 1996 ("Re: Case Management By Trial Judge")]*

Commencing December 1, 1998, all civil actions with an estimated trial length of 20 days or more (as determined at the time of filing the Notice of Trial) will be assigned to a trial judge for case management. This initiative varies the "Case Management by Trial Judge" as set out in the Notice to the Profession dated December 20, 1996.

The following rules will apply:

1. The assigned judge will preside at the trial of the action unless unavailable or disqualified.
2. The trial date for the action will be set by filing a Notice of Trial *before* the case is assigned to a case management judge. The judge assigned may vary the initial trial date after consultation with the parties and the trial coordinator in the registry in which the trial is to take place.
3. Concurrently with the filing of the Notice of Trial, the party filing that Notice will request the assignment of a trial judge by filing a Request for Assignment of Trial Judge (in Form A attached).
4. The party filing the Notice of Trial will also file the following:
  - (a) the original and three copies of the Notice of Trial;
  - (b) one copy of the pleadings filed to date;
  - (c) two copies of the Request for Assignment of Trial Judge

and will pay the applicable filing fee (\$208 at present).

5. A Notice of Assignment (in Form B attached) will be sent to the parties (or their counsel) by the trial coordinator shortly after assignment of the case management judge.
6. The trial coordinator will schedule an initial case management conference before the assigned judge as soon as practicable after the assignment of the case for the purpose of settling a case management order and confirming or varying the trial date.
7. At the initial case management conference, the assigned judge will make a Case Management Order (in substantially the same form as Form C attached) which Order will:

- (a) deal with pre-trial matters,
- (b) set the date for the trial scheduling conference (counsel are therefore reminded bringing their diaries to the case management conference);
- (c) confirm or change the trial date, as appropriate.