

**SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
TRIAL DIVISION**

Rules of the Supreme Court, 1986

**PRACTICE NOTE
P.N. (TD) No. 2015-01**

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RULES AFFECTED: 56A.21, Form 56A.21B

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PREVIOUS PRACTICE
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The following Practice Note is published pursuant to Rule 4.04 of the *Rules of the Supreme Court, 1986*.

CASE MANAGEMENT MEETINGS IN FAMILY PROCEEDINGS

Background and Purpose

1. All parties and their counsel must appear at an initial case management meeting following the initiation of a family proceeding and any subsequent case management meetings. These meetings are crucial both to resolving matters in a timely, cost-effective manner and to the Court's overall caseflow management.
2. Case management meetings are governed by rule 56A.21 ("How case management works").
3. In order to be effective, parties must prepare appropriately for these meetings. Concern has been raised that parties are inadequately prepared when attending case management meetings and are unable to discuss the matters listed in rule 56A.21(4).
4. In particular, parties are attending case management meetings unprepared to discuss whether there is any relevant evidence which must be disclosed. Instead of requesting an order pursuant to rule 56A.21(5)(a) or (q) at the case management meeting, parties are applying for documentary disclosure or examinations for discovery after the case management meeting. As a result, parties are coming before the Court unnecessarily.
5. Further, in case management meetings where a party is requesting a trial date, parties are attending the meeting unprepared to discuss the matters set out in Form 56A.21B.

6. It has also come to the Court's attention that parties are filing affidavits and documents other than Form 56A.21B for case management meetings. Such documents are not required for case management meetings and should not be filed for these appearances.

Practice Note

7. All parties must appear at the initial case management meeting following the initiation of a family proceeding and any subsequent case management meetings.
8. All parties attending case management meetings must be prepared to discuss all of the matters listed in rule 56A.21(4). Specifically, parties must be prepared to:
 - (a) explore the chances of settling the case;
 - (b) identify the issues that are in dispute and those that are not in dispute;
 - (c) explore ways to resolve the issues that are in dispute;
 - (d) identify relevant evidence which must be disclosed;
 - (e) identify facts which, if admitted, would simplify the case;
 - (f) set the date for the next step in the case;
 - (g) agree to a specific timetable for the steps to be taken in the case before it comes to trial; and
 - (h) discuss whether a settlement conference is appropriate.
9. Where parties identify relevant evidence that must be disclosed, the parties should request an order for documentary disclosure or examination for discovery (pursuant to rule 56A.21(5)(a) or 56A.21(5)(q)) at the case management meeting.
10. Where a party is requesting a trial date at a case management meeting, parties must file Form 56A.21B and be prepared to discuss all matters set out in Form 56A.21B.
11. Parties must not file affidavits or other documents (other than Form 56A.21B) in relation to a case management meeting unless such documents are required by law, prior court order or as directed by a judge.
12. All parties and their counsel must be present in person at case management meetings unless the party or his/her lawyer has made arrangements to appear by telephone and receives permission from the Court.
13. Appearances by telephone at case management meetings are governed by Rule 47A.03. That rule requires that the party, or his/her lawyer, contact the Registry at the Family Division or other appropriate judicial centre **no later than noon the day before** the scheduled case management meeting to request permission to appear by phone. The party or his/her lawyer must advise the Registry of the reason why a telephone appearance is necessary. If the judge hearing the matter agrees to the telephone appearance, the party or his/her lawyer shall provide a contact telephone number to the Registry. The party or his/her lawyer must also confirm the contact information via email (or as otherwise

directed by the Registry). The party or his/her lawyer shall then make arrangements with the Registry for their telephone appearance in accordance with the practice of the Court. **PLEASE NOTE** that when appearing by telephone you may be required to use the CourtCall service (operated by CourtCall, LLC). This service provider requires three days' notice to set up your call. If you are required to use CourtCall, it is therefore advisable that you seek the Court's permission to appear by phone **at least 3-4 days before** your appearance so that you can make the appropriate arrangements with CourtCall. If you are uncertain whether you will be required to use the CourtCall service, please contact the Court Registry in the centre where your matter is being heard.

14. This practice note does **not** apply to civil or criminal proceedings.

Authorized by:

[Signed]

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