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Statement on Case Management and Pre-Hearing Conferences

Public Servants Disclosure Protection Tribunal Canada

March 2012

This document outlines the policy of the Public Servants Disclosure Protection Tribunal with respect to how it uses sound case management principles in order to ensure effective and efficient proceedings.

Statement on Case Management and Pre-Hearing Conferences

Case management and pre-hearing conferences are used at the Tribunal to deal with matters which come before it as expeditiously and efficiently as possible.

These meetings are held in accordance with section 21 of the [Public Servants Disclosure Protection Act](#), SC 2005, c 46 and Rules 2, 3, 31, 32 and 33 of the [Public Servants Disclosure Protection Tribunal Rules of Procedure](#), SOR/2011-170.

What to expect at a case management or pre-hearing conference

A case management conference or a pre-hearing conference may address specific issues that have arisen, or it may be of a more general nature.

A pre-hearing conference is normally held close to the time of the hearing and is generally scheduled after the parties have completed the filing of their statements of particulars and replies. A case management conference may be held at different times after an Application has been filed with the Tribunal, at the discretion of the Tribunal. A party or his or her own counsel may request a case management conference. The Tribunal may also, of its own initiative, hold a case management conference.

When either a pre-hearing conference or a case management conference is scheduled, the Tribunal will convene the parties to discuss administrative and procedural issues related to the case at hand. Both case management and pre-hearing conferences are chaired by a Tribunal member and are held with the parties' representatives (or for non-represented

parties, the parties themselves).

The items discussed during a pre-hearing conference may include:

Document disclosure

- Confirmation of its completion
- Identification of preliminary issues
- Identification of any outstanding issues

Approaches to ensuring an expeditious hearing

- Possibility of a Joint Statement of Facts
- Possibility of a Joint Book of Documents

Witnesses and experts

- The number of witnesses and their anticipated testimony
- The field of expertise of the expert witnesses
- Deadlines for the filing of expert reports

Preliminary matters

- Anticipated motions
- Deadlines for any motions
- Dates for hearing of any motions

Scheduling of hearing

- Confirmation of venue
- Confirmation of language of proceeding

- Interpretation services requirement
- Anticipated duration
- Hearing dates

Special requirement and accommodations measures

- Identification of any special requirements for accessibility or any other need for special arrangements

Constitutional issues

- Notice of Constitutional Question

Motions

- Motions or pending motions

Scheduling of and attendance at case management and pre-hearing conferences

When the Tribunal determines that a case management conference or a pre-hearing conference is necessary, the Registrar will contact the parties in order to determine their availability.

If the party is represented, then the representative will attend on his or her behalf. In this case, the party may attend with the representative, as an observer. If a party is not represented, then he or she can attend and participate in case management and pre-hearing conferences.

Case conferences or pre-hearing conferences can take place in person, by teleconference, or by videoconference.

The parties will be consulted then notified of the mode by which the conference will be conducted, as well as the date, time and place of the conference. The Tribunal will also provide an agenda of the items it would like to address during the conference.

Conferences last approximately one to two hours, depending upon the nature of the agenda.