

FAMILY CROWN SERVICES OPERATIONAL MANUAL

PRE-HEARING CONFERENCES	New	Office of the Attorney General / Family Crown Services	Policy 25
Policy Title	New or Amended	Division / Branch / Section	Policy #

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PRE-HEARING CONFERENCES

1. Introduction

Pre-hearing conferences can be held in any matter scheduled for a hearing in the Court of Queen’s Bench, Family Division pursuant to Rule 50.01 and 73.12 of the Rules of Court:

50.01 Where Pre-Trial Conference Available

- (1) Where a proceeding is ready for trial or hearing, the court may, at the request of a party, or on its own motion, direct the solicitors for the parties and any party not represented by a solicitor, to appear before a judge for a pre-trial conference to consider
 - (a) the simplification of the issues,
 - (b) the possibility of obtaining admissions which may facilitate the trial or hearing,
 - (c) the quantum of damages, where damages are claimed,
 - (d) the estimated duration of the trial or hearing,
 - (e) the advisability of having the court appoint an expert,
 - (f) the advisability of obtaining a special date for the trial or hearing,
 - (g) the advisability of directing a reference, and
 - (h) any other matter that may assist in the just, least expensive and most expeditious disposition of the proceeding on its merits.

- (2) A solicitor attending a pre-trial conference may be accompanied by the party he represents.

73.12 Discussions and Meetings before Hearing

- (1) The parties to a proceeding shall hold such informal discussions as are reasonably possible for the purpose of resolving or simplifying the issues in dispute.
- (2) A judge or a person designated by a judge may convene and preside at a meeting of the parties for the purpose of resolving or simplifying the issues.
- (3) The judge or person who presides at a meeting convened under paragraph (2) shall
 - (a) present to the parties for their approval a memorandum of the matters agreed to and of the outstanding issues, and
 - (b) shall file the approved memorandum.
- (4) A judge who presides at a meeting under paragraph (2) shall not preside at the hearing without the consent of the parties.

Pre-hearing conferences or settlement conferences can be a valuable exercise in order to attempt to settle a matter or to deal with pre-trial issues such including but not limited to:

- (a) Exploring possible settlements or partial settlements;
- (b) obtaining partial consents or agreements on issues before the court;
- (b) canvassing legal representation of the parties and efforts to secure same;
- (c) determining what witnesses will be required for examination;
- (d) obtaining a list of potential witnesses from each party;
- (e) addressing the need for translation services if applicable;
- (f) obtaining judicial directives on issues or procedures; and
- (g) determining the schedule of witnesses and required court time.

2. Statement of the policy

Family Crown Counsel shall consider requesting pre-hearing conferences for any scheduled hearings.

3. Related documents

New Brunswick Rules of Court