

NOTICE

PROVINCIAL COURT OF MANITOBA

RE: JUDICIAL CASE MANAGEMENT CONFERENCES

Effective **Monday, October 5, 2009** all multi-day cases in Winnipeg and Portage la Prairie must be the subject of a judicially presided Case Management Conference before a date may be set for preliminary hearing or trial. Judicial Case Management Conferences include all Pre-trial, Resolution and Case Management Hearings and will be subject to this protocol. A Case Management Conference will also be required when deemed necessary by the assigned circuit judge for circuits points conducted out of Winnipeg, when requested by counsel or otherwise as directed by the Court.

Counsel who will represent the Crown and the accused at the preliminary hearing or trial must appear personally at the Case Conference with their file and be prepared to discuss aspects of the case including but not limited to the following:

- Possibility of resolution
- Elections
- Preliminary matters
- Disclosure (sufficiency of)
- Potential for Charter or other motions
- Potential for *voir dire*
- Evidentiary issues
- Number of witnesses and the nature of the anticipated testimony
- Expert witnesses
- Time required for preliminary hearing or trial
- Other issues such as security, special needs etc.

The goals of the Case Management Conference include:

- Assisting counsel in resolving the matter without the need for a hearing
- Focusing the issues to ensure the most efficient use of court time and counsel's time
- Assisting counsel in determining the amount of court time required for the hearing

Ultimately it is the Court's hope that backlogs regarding multi-day matters will be reduced.

Implementation Details

A calendar in Outlook has been established and will be viewable to Judges, Judicial Support Staff, the Trial Coordinator's Office (TCO), Pre-trial Coordinators (PTC's), Court Clerks, Crown Counsel (Provincial) and Support Staff. While we continue to work on providing access to the Federal Crown and Defence Counsel, they are outside the managed environment and we have been unable to achieve this at this point. Editing ability in order to book a Case Management Conference will be provided only to the TCO and PTC's. .

Case Management Conference dates will only be confirmed by the TCO upon receipt of the materials required by the Court for the hearing. The Court requires counsel to provide the police summary, at a minimum, but counsel are encouraged to provide whatever information will assist the Court in conducting a meaningful Case Management Conference. The Court Office will continue to provide a copy of the Information(s) to the Court.

Any material provided by the Crown by email to the TCO will be copied into the Outlook calendar and forwarded to Chambers for printing or emailing to the presiding judge.

There will be five available slots at 9:00 a.m. and five available slots at 1:00 p.m. daily for Case Management Conferences and other hearings which may include decisions, bail applications, and Conditional Sentence breaches. Case Management Conferences will not be held when Courts are closed for Judicial Education and Court Business meetings. There will be two slots available at 9:00 a.m. and two slots available at 1:00 p.m. during the summer and winter rotas. The Duty and Backup Duty Judges will no longer be responsible for conducting these hearings.

Judges will be assigned on a weekly and rotating basis. Each Judge will be assigned approximately one week every six weeks.

Judges are expected to remain seized of a matter once a Case Conference has been conducted and are expected to follow up with counsel in writing or through further Case Management Conferences until any outstanding issues are resolved and/or the matter is ready to proceed to preliminary hearing or trial.

The TCO will manage the scheduling of all multi-day matters. Counsel will not be able to reserve dates except with the approval of the Case Management Conference Judge. The Case Management Conference Judge will only reserve dates when the matter has been fully considered at the Case Management Conference and an agreement has been reached (approved by the Case Management Conference Judge) regarding the amount of time required. That is not to say that all pre-trial matters must be resolved but the parties must be ready to proceed to hearing. All preliminary hearing and trial dates will be provided by

the TCO and reserved until the matter is adjourned to the date and the required paperwork is filed by counsel.

A Case Management Conference memorandum will be prepared by the Case Management Conference Judge. The memorandum will be provided to counsel as well as to the Preliminary Hearing or Trial Judge.

ISSUED BY:

Original signed by _____
Raymond E. Wyant, Chief Judge
(Manitoba)

DATE: July 7, 2009