

# **NOTICE TO PROFESSION**

**FROM:** ASSOCIATE CHIEF JUSTICE MERCIER,  
COURT OF QUEEN'S BENCH (FAMILY DIVISION)

**DATE:** November 1, 2002

**RE:** **FAMILY DIVISION CASE MANAGEMENT**  
**This is a revised Notice to Profession dated April 10, 2001**

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## **Case Conference Hearing:**

- Time set for a first case conference will change from 45 minutes to 30 minutes starting November 1, 2002.
- For November and December 2002, if calling for case conference hearing dates, adjournment dates and general inquiries please contact the Case Management Coordinator at 945-7853.
- Starting January 2003, if calling to set time for a seized case conference, or to adjourn a seized case conference hearing, please contact the Family Trial Coordinator at 945-2539. If calling for a case conference date where no judge is seized; to adjourn a case conference hearing initiated by a Notice of Case Conference; to inquire on brought forward dates, or for general case management inquiries please contact the Case Management Coordinator.
- If the case conference is to be held by teleconference, counsel must advise the coordinator when the case conference date is set.

## **Bring Forward (BF) Date:**

- Used as an internal diary system to monitor Case Management files. It is **not** a court appearance date.

### *The use of brought forward dates is restricted to the following:*

1. When a case conference is held, and concluding documents are to be filed, a “BF” date is used to monitor this event. The time line for filing is 30 days after the date of case conference, unless otherwise directed by the case conference judge. This information is endorsed on the case conference memorandum.
2. If a case conference date is cancelled as a result of settlement, discontinuance or other determination of a case conference judge, a “BF” date can be used when counsel undertake to file concluding documents within 30 days of the scheduled case conference date.

In the above two instances, if counsel contact the case management coordinator requesting an extension of time and providing reasons, the matter will be reviewed and a subsequent “BF” date may be obtained not longer than 30 days. If no contact is made, and the documents are not filed, a Notice with a pre-selected case conference date and time will be issued.

3. When trial dates are cancelled, a “BF” date of 30 days will be assigned in order for counsel to file concluding documents. If concluding documents are not filed, the case management coordinator will set a case conference date.
4. When a case conference is held, and counsel are awaiting an assessment report, financial information, etc., the case conference judge may adjourn the matter to a “BF” date, wherein counsel contact the Court and advise as to the status. If no communication is made by the “BF” date, a Notice will be issued with a pre-selected case conference date and time.
5. At a case conference, if a judge determines no further proceedings are to take place, a “BF” date may be fixed. Counsel will be instructed to

provide a status report by the “BF” date. The case conference judge will review the matter and determine if a case conference hearing is required. If a case conference hearing is required, counsel may be required to file a case conference brief. A party may by Requisition bring the matter back before the case conference judge at anytime. If the matter is brought back, a maximum of one hour may be set for a seized case conference hearing.

**The onus is on counsel to provide case information/status to the Case Management Coordinator prior to the expiry of the brought forward date.**

**IF ANSWER FILED:**

- Counsel has 21 days from date of filing an Answer to contact the case management coordinator to arrange a case conference hearing. If counsel do not set a case conference date, a Notice will be sent with a pre-selected case conference date and time. If counsel is not available on this date, a Request for Adjournment (Form 70T) must be submitted 14 days prior to the hearing date.

**REQUESTS FOR ADJOURNMENT:**

- Prior to filing a Request, counsel is to call the case management coordinator to obtain alternate hearing dates and times. After receiving consent of the other party, counsel must file a Request (fax accepted) including current and alternate case conference hearing dates, and the reason for the adjournment, 14 days prior to the current case conference date. The Court will grant or deny the request and notify the party.  
***Party requesting the adjournment is responsible for advising the other party of the decision.***

***The Request for Adjournment form is to be filed 14 days prior to the current case conference date.***

## **MISCELLANEOUS:**

1. When a Notice of Motion to Vary (Form 70H) is filed, the matter is heard by the original case conference judge as a case conference.
2. Anytime a case conference date is set, a contested motion date can be set simultaneously, but the motion takes place **after** the case conference except in cases of urgency or hardship. At the case conference, the need for the motion will be reviewed.
3. Counsel will prepare orders made under Rule 70.24(25) (Failure to Follow Rules).
4. If a case conference date is set by Requisition (without consent of other party) Rule 70.24(10) at least 14 days before the date of hearing, and counsel are unable to agree to the adjournment, both counsel are to fax to the Court their positions and each copied respectively. The duty judge or case conference judge will determine whether the case conference date is adjourned.
5. If a case conference date is set by consent for a period of time less than 14 days in the future, and counsel request an adjournment, time is waived.
6. If a case conference date is set, and an offer to settle is made the day before the hearing date, counsel **cannot** cancel the case conference date **unless** the settlement is finalized and counsel undertake to file concluding documents within 30 days of the hearing date.
7. Counsel is reminded to file a Record when trial dates are set.

## **FILES MADE INACTIVE:**

Under the direction of the Associate Chief Justice, Court of Queen's Bench (Family Division) the case management coordinator may remove a proceeding from case management in the event of one of the following having occurred:

1. Counsel has lost contact with his or her client.
2. The Courts have had no response from self-represented parties to continue proceedings.
3. Parties have reconciled and no Notice of Discontinuance (Form 23A) filed.
  - If an interim order is in place, and the parties have reconciled, a Notice of Motion must be filed with a Consent Order attached indicating the action is discontinued and any orders are dismissed.
4. File closed on an interim order at request of counsel and determined by case conference judge.

Note: With respect to the above 4 events, in the event a trigger document or event is subsequently initiated, the proceeding is brought forward into the case management system. If counsel wish to initiate the proceedings, they are to contact the case management coordinator @ (204) 945-7853