

## NOTICE TO PROFESSION

AUGUST 23, 2013

### **Pre-trials and Focus Hearings**

Under existing practice, pre-trials are required to be held in all cases in Thompson which are expected to take more than ½ day. Almost all, but the simplest cases fit into this category. Our experience is that little is accomplished if the sole or major issue is credibility. Therefore, we are proposing to eliminate pre-trials/focus hearings except under the following circumstances:

1. The case is expected to take more than one day, or
2. Counsel are specifically requesting a pre-trial or focus hearing.

In all multi-day cases, dates would be assigned only following a pre-trial or focus hearing and, following assignment of the hearing dates, a further pre-trial or focus hearing would be scheduled for not less than 2 months before the assigned dates to confirm:

- (a) Service of subpoenas on witnesses;
- (b) All matters that stand in the way of the hearing or trial proceeding have been resolved, such as disclosure issues.

Please note that only counsel assigned to the case should appear for the pre-trial or focus hearing. Counsel are expected to have a good working knowledge of her/his file.

In all other cases, we would expect:

1. That defence counsel would file Form A and, if appropriate, Form B, for matters that are to be scheduled for preliminary inquiry.
2. That both counsel would file a statement of issues (see attached by way of example).

These documents are to be filed before hearing dates are provided.

We wish to stress that a Judge is prepared to meet with counsel to discuss issues in or resolution of any case upon request by counsel.

We would appreciate receiving any feedback on these proposed changes in practice by the end of September, 2013.

Judges Colli, Thompson and Redhead

## Statement of Issues

1. Name of Accused:
2. Offences Charged:
3. Defence Counsel:
4. Crown Counsel:
5. Issues that are conceded:
6. Significant Issues in the case:
  - (a) Substantive: (credibility, self defence, consent, duress, etc.)
  - (b) Procedural: (evidentiary such as confessions, similar fact evidence, etc.)
  - (c) Special: Charter Issues
7. Witnesses expected to be called by you:
8. Special Needs: e.g. Translators
9. Disclosure:
  - (a) Has all disclosure been provided
  - (b) Do you have any outstanding concerns relating to disclosure?

I hereby certify that I met with opposing counsel on this case and had a discussion of the issues. \* The foregoing constitutes a fair representation of the state of the case.

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Signature and Name of counsel

\*This certification is to be deleted if the opposing party (or party as the case may be) is unrepresented.