



Case Planning Conferences 101
Desk Reference Manual

Section A Fast Track Trials

General Information on Fast Track Trials

The fast track rule combines the old expedited litigation rule (Rule 68) and the previous fast track rule (originally Rule 66) to provide a single simplified rule known as 15-1 to shorten the litigation process when the amount in dispute is \$100,000 or less or if an action can be heard *within three days* or less. It applies to an action if:

1. the claim is for not more than \$100,000;
2. the trial will not be longer than three days;
3. the court orders that Part 15 will apply.

Either party can fast track a matter if it fits the criteria by filing a Form 61 Notice of Fast Track Action. Electing to have your action heard under Rule 15-1 generally shortens the time frame to complete a lawsuit from several years to a year or less. Fast track litigation uses many of the forms and procedures used by ordinary litigation however, some things are shortened and simplified keeping costs down and moving the litigation through the court system much more quickly. A good rule to remember when it comes to forms or procedure is if something is not specifically mentioned in these materials, the same forms, filings and deadlines are used as set out in litigation commenced in the ordinary manner.

As with all Rules, there are exemptions. Both family law proceedings and actions commenced under the *Class Proceedings Act* are excluded from Rule 15-1. If a jury trial is required for fair disposition of a proceeding, Rule 15-1 is not available to you.

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The main features that characterize fast track litigation are:

- examinations for discovery cannot take longer than a total of 2 hours unless consented to or ordered by the court;
- a case planning or trial management conference must occur before a party can serve a Notice of Application;
- no party is obliged to answer interrogatories unless ordered by the court;
- trial must be heard by judge alone;
- registrar sets a date for trial to commence *within 4 months* after application is made for the trial date (15-1(13));
- class proceedings cannot be fast tracked, and
- costs are restricted by Rule 15-1(15) and are fixed at \$8,000 for one day or less, \$9,500 for *two days or less* and \$11,00 for more than two days

This Rule imposes restrictions on the existing scope of procedures available to litigants under the Rules of Court. Time and money are saved by limiting the procedures and steps available under Rule 15-1. These limitations effect the pre-trial procedures available and the evidence that can be called at trial.

The Rule goes on further to clarify that nothing in the Rule prevents a court from awarding damages to a plaintiff for an amount in excess of \$100,000, but the initial claim advanced by the plaintiff must not exceed \$100,000 net of interest and costs.

A plaintiff can choose to limit its claim to \$100,000 or less, even if the claim is for an actual amount of more than \$100,000 in order to fast track the matter.

As the litigation proceeds, and it becomes apparent that Rule 15-1 no longer serves the best interests of the matter, subrule (6) permits removing the action from the purview of Rule 15-1 upon an application by any party or upon the court's own motion.

A copy of Rule 15-1 is set out in Appendix A.1.

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Section B Case Planning Conference

Introduction

In this section, you will learn about the role of Case Planning Conferences in the litigation process and how to arrange a Conference. You will also learn how to prepare the documents related to the Case Planning process.

Appendix M.1 sets out a comparative chart between Chambers Applications and Case Planning Conferences.

Rule 1-3(1) Object of the Rules

The object of these Supreme Court Civil Rules is to secure the just, speedy, and inexpensive determination of every proceeding on its merits.

A Case Planning Conference brings all parties together in the presence of a judge or master to discuss how the action should proceed through the litigation process. Each party prepares and serves a case plan proposal that is considered at the conference. The presiding judge or master makes an order on one or several issues with the aim of assisting the litigation process in adhering to the Object of the Rules.

It is clear that upholding the Object of the Rules is the purpose of a Case Planning Conference.

Section C Trial Management Conferences

Introduction

In this section, you will learn about Trial Management Conferences (TMC) in the litigation process and how to arrange a TMC. You will also learn how to prepare the documents associated with a Trial Management Conference.

Rule 1-3(1) Object of the Rules

The object of these Supreme Court Civil Rules is to secure the just, speedy, and inexpensive determination of every proceeding on its merits.

A TMC is a significant change to these rules. It allows for procedural orders to be made requiring legal analysis dealing with the conduct of the trial, amendments to pleadings within a fixed time, admissions of fact at trial, admission of documents at trial including expert reports as well as issues dealing with expert reports, adjournment of the trial and “any other matter that may assist in making the trial more efficient”. Although TMC's were initially required to be heard by a judge and when practicable, conducted by the judge who would be presiding at trial, a Supreme Court practice direction (effective April 25, 2012) now allows masters to conduct TMC's. They are mandatory and no trial certificate is issued without the parties attending.

A date and time for the conference is set by the registry through the Supreme Court's Scheduling department. Go to:
http://www.courts.gov.bc.ca/supreme_court/scheduling/ and select the registry you want to file in and download the most current document called: Case Planning Conference Available Dates.

The TMC must take place at least 28 days before the scheduled trial date unless the court orders otherwise.

The Masters' Jurisdiction that came into effect on April 25, 2012 (Practice Direction 34) can be downloaded from here:
http://www.courts.gov.bc.ca/supreme_court/index.aspx

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