



Trial List Protocol: When Counsel Have Multiple Trials on List

The following Trial List Protocol was created by the Hamilton Law Association Bench & Bar Committee and presented to the Judiciary for review. This protocol was approved by the Judiciary and will be applied when counsel have multiple actions on the same trial list:

Counsel should be encouraged to agree amongst themselves on the order of trials, and the Court will generally respect that agreement, subject to Court scheduling. Where counsel cannot agree, the Court will determine the order of trials, having regard to:

- a) The length of the trial with priority being given to longer trials;***
- b) The age of the litigation having regard to the date of the cause of action (as opposed to the date when the Statement of Claim was issued or when the action was set down for trial);***
- c) The availability of a party through illness, etc.;***
- d) The availability of witnesses;***
- e) Any other considerations that may make it difficult for an action to be tried at a later sittings.***

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