

Instructions re: Written Status Hearing

As you know when counsel receives a Status Notice (Form 48c) on a file, there are presently three options to be exercised within 90 days: (1) set the matter down for trial; (2) request a status hearing before a judge, and (3) DO NOTHING IN WHICH CASE THE MATTER WILL BE DISMISSED FOR DELAY.

At a status hearing, counsel are expected to explain to the court the nature of the action and the DIFFICULTIES that stand in the way of it being set down for trial. A jurist presiding at such a hearing will usually seek to establish time lines in which what is outstanding can be accomplished. Usually only one counsel appears on behalf of all counsel. Occasionally, opposing counsel appear and argue that the matter should be dismissed or set down for trial. The former is the usual scenario and takes on average fifteen minutes. There still is a need for the latter if counsel cannot agree on the status of an action.

Members of the Bench and Bar CONCLUDED that the non-contested status hearing could be carried out in a more cost effective and timely fashion. Therefore, representatives of the Bench and Bar with the assistance of court staff have crafted a new form, namely, a Written Status Hearing, which would be completed by all counsel and submitted to the court *no later than 60 days* from the receipt of the Status Notice. This form must be completed in its entirety. The date selected in the future for the return of the subsequent hearing will be a short motions court date, i.e. a Tuesday or a Thursday. It may be that future dates will be addressed by a Written Status Hearing submitted on consent *no later than 30 days* before that date. Be forewarned, however, that subsequent use of this form may not be permitted if the matter does not appear to be advancing in a timely fashion. This new alternative will not be allowed to undermine the intent of Rule 48.4.

A Written Status Hearing upon receipt by the Court Office in the time prescribed above, will be placed in a uniquely coloured file folder, and will be presented to the Judicial Chambers as essentially a basket motion. Again, it is essential that the form be complete with appropriate time lines otherwise, a jurist may require an in-court status hearing. If all appears in order, the jurist will make an endorsement. The endorsement will be available to counsel. The new date contained in the endorsement will be entered by the court staff and, presumably, by counsel as well. The lawyer who filed the consent is to serve the endorsement upon all other counsel

The obvious benefit to following this procedure is that the time required for an actual status hearing will be dramatically reduced whilst, at the same time, a current record of the status of a matter is generated.

The Honourable Mr. Justice
Alan C. R. Whitten
Local Administrative Justice

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