

The Case Planning Conference

The purpose of a Case Planning Conference (CPC) is to bring the parties together early in the litigation to talk about how the case will proceed. A CPC is not mandatory, but may be requested by the court or either party when the pleadings are completed. These conferences, held by a judge or master, will ensure that cases keep moving forward in a way that is consistent with the proportionality principle. (The number and length of legal processes allowed is proportionate to the amount involved, the importance of the issues in dispute, and the complexity of the case).

The judge or master will set the parameters of the litigation in a case plan order. The order will address issues such as dispute resolution options, dates for the exchange of documents, electronic document procedures, the limits on examinations for discovery, and basic information about the use of experts, if any.

Parties who are represented by a lawyer do not have to personally attend the CPC unless ordered to do so by the court.

Requesting a case planning conference

Any party to an action may, at any time after the pleadings are completed, request a CPC. Rule 5-1

sets out the procedure for requesting a CPC. You can do this by contacting the court registry and advising them that you would like to schedule one. You then file and serve a notice of case planning conference (Form 19).

At any point in your lawsuit (after the pleadings are complete), the court may direct that a CPC take place. If that happens, the court will direct that one of the parties request a CPC.

The notice of the first CPC must be served on the other party at least 35 days before the date set for the conference. In the case of subsequent CPCs, the notice must be served on the other party at least 7 days before the conference. It is a good idea to check with the other party to make sure they are available on that date, otherwise the CPC may be adjourned to a more convenient date.

The notice period can be shortened if you apply to the court (by requisition in Form 17) and explain the reasons why you want to hold the CPC right away.

Preparing a case plan proposal

The parties must prepare case plan proposals, which set out the party's proposal for how the case should proceed.

This Guidebook provides general information about civil, non-family claims in the Supreme Court of BC. It does not explain the law. Legal advice must come from a lawyer, who can tell you why you should do something in your lawsuit or whether you should take certain actions. Anyone else, such as court registry staff, non-lawyer advocates, other helpers, and this guidebook can only give you legal information about how to do something, such as following certain court procedures.

Standards are in effect for the filing of all Supreme Court civil and Supreme Court family documents, except divorce and probate. When you submit your completed documents, registry staff will check to make sure they meet the minimum standards before accepting them for filing. It is your responsibility to include all other information required by the court and ensure it is correct.

For information about how to get help with your case, see the last page of this document.

The plaintiff must file the first case plan proposal within 14 days after the notice of the CPC was served or received by the plaintiff. The other party must then file his or her own proposal within 14 days of receiving the plaintiff's proposal.

The case plan proposal must be in Form 20 and indicate the party's proposal with respect to:

- discovery of documents;
- examinations for discovery;
- dispute resolution procedures;
- expert witnesses;
- witness lists; and
- trial type, estimated trial length, and preferred periods for the trial date.

Attending the case planning conference

The CPC will be held in a courtroom or meeting room, with a judge or master. It may not be the same judge who hears your case if it goes to trial. The conference is recorded, but the recording is not available to you unless you have a court order allowing you access.

Rule 5-2 tells you how the conference will be conducted. If you are representing yourself in the lawsuit, you must attend the first conference in person. If the other party is represented by a lawyer, only the lawyer must attend in person, unless the court orders otherwise. For subsequent conferences, you may attend by telephone (Rule 5-2(3)).

If you want to be exempted from attending the CPC, or do not want to attend in person, you can make an application to court about that issue by filing a requisition (Form 17). The court may excuse you from attending if:

- it isn't reasonably possible for you to attend, given the distance you must travel and the cost;
- you have health or compassionate grounds for not attending; or

- some other extraordinary circumstances justify your non-attendance.

If the judge has not excused you from attending the CPC and you do not show up, the CPC may go ahead without you, it may be adjourned, or you may be ordered to pay the costs of the other party who did attend.

The judge or master will review the progress of your case, including topics like whether you have or may want to explore other dispute resolution options (such as mediation), whether there are any issues concerning the exchange of documents, if examinations for discovery have been conducted, and so on.

The case plan order

Rule 5-3 sets out the orders that the judge may make, whether or not one of the parties applied for such an order. There are a very wide range available, including orders:

- settling a timetable for the steps to be taken;
- amending a previous case plan order;
- extending or shortening the time to take any steps under the rules;
- requiring that pleadings be amended;
- respecting all discovery issues (e.g., discovery of documents; examinations for discovery of parties or witnesses; interrogatories);
- respecting third party claims;
- respecting witness lists;
- respecting experts;
- respecting admissions;
- respecting offers to settle;
- respecting the conduct of any application to court;
- requiring attendance at a mediation or other dispute resolution process;
- authorizing the parties to separate the issues at trial;
- fixing the length of trial;

- ✦ respecting the place at which any step in the action is conducted;
- ✦ setting the action for trial on a particular date; and
- ✦ adjourning the CPC or directing the parties to attend another CPC.

The judge or master will make an order that summarizes the decisions that were made at the CPC. The judge cannot make an order at the CPC that is in the nature of a final judgment in the case, unless the parties agree or if a party fails to comply with the case planning rules or a CPC order.

Either you or the other party will draft the order and file it at the court registry (Form 21). If the judge or master approves the order, it does not need to be approved by the other party. The court will soon be able to print these orders right after the conference. If you fail to comply with the CPC order, you may be liable to pay costs or have your action dismissed (Rule 5-3(6)). You can apply to amend a case plan order under Rule 5-4.

Get Help With Your Case

Before you start your claim, you should think about resolving your case without going to court (see the guidebook, *Alternatives to Going to Court*). If you do not have a lawyer, you will have to learn about the court system, the law that relates to your case, what you and the other side need to prove, and the possible legal arguments for your case. You will also need to know about the court rules and the court forms that must be used when you bring a dispute to court.

Legal Information Online

All *Guidebooks for Representing Yourself in BC Supreme Court Civil Matters*, along with additional information, videos and resources for Supreme Court family and civil cases are available on the Justice Education Society website: www.SupremeCourtBC.ca.

Clicklaw gives you information about many areas of law and free services to help you solve your legal problems: www.Clicklaw.bc.ca.

The Supreme Court of BC's website has information for people who are representing themselves in court: www.Courts.gov.bc.ca/supreme_court/self-represented_litigants/

Legal information services

The Vancouver Justice Access Centre's, Self-help and Information Services includes legal information, education and referral services for Supreme Court family and civil cases. It is located at 290 - 800 Hornby Street in Vancouver (open Monday to Friday): www.SupremeCourtSelfHelp.bc.ca.

For information about other Justice Access Centre services in Vancouver and Nanaimo, see: www.JusticeAccessCentre.bc.ca.

Legal advice

You may be eligible for free (pro bono) legal advice. Access ProBono Society of BC's website gives you information about the legal assistance that is available to you: www.AccessProBono.ca.

Legislation

BC Legislation (statutes), regulations, and Rules of Court can be found at: www.BCLaws.ca.

Court rules and forms

Supreme Court forms can be completed in 3 ways:

1. Completed online and filed at: www.CourtServicesOnline.gov.bc.ca
2. Completed online, printed and filed at the registry
3. Printed, completed manually and filed at the registry

Court forms that can be completed online are available at: www.ag.gov.bc.ca/courts/other/supreme/2010SupRules/info/index_civil.htm
Printable court forms are available at: www.SupremeCourtBC.ca/civil/forms

Common legal terms

You can find out the meaning of legal terms at: www.SupremeCourtBC.ca/glossary

Family law

For information about family law claims, see: www.FamilyLaw.LSS.bc.ca.

This guidebook is part of a series:

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NOTES

Form 17

(Rules 4-6 (1), 5-1 (4), 5-2 (4), 5-4 (1), 8-1 (21.1) and (22), 8-5 (2), 9-4 (1), 12-2 (6), 13-3 (25), 16-1 (16.1) and (17), 20-5 (3), 21-5 (4), 23-1 (9), 23-3 (10) and 23-5 (5))

1

[Style of Proceeding]

REQUISITION – GENERAL

[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]

Filed by:[party(ies)].....

2

Required:

This requisition is supported by the following:

[Include a description of supporting document(s). Each affidavit included on the list must be identified as follows: "Affidavit #.....[sequential number, if any, recorded in the top right hand corner of the affidavit]..... of[name]....., made[dd/mmm/yyyy].....".]

1

2

Date:[dd/mmm/yyyy].....

Signature of

[] filing party [] lawyer for filing party(ies)

.....[type or print name].....

NOTES

Court forms are available at: www.ag.gov.bc.ca/courts/other/supreme/2010SupRules/info/index_civil.htm.

They can be completed online and filed electronically using Court Services Online:
www.courtservicesonline.gov.bc.ca.

They can also be printed and completed manually; or completed online, printed and filed.

File this form in the court registry. The Rules of Court will indicate if it must be served on the other parties.

1. The style of proceeding is the part at the top of the document that identifies your case within the court system. You will use the style of proceeding on every one of your documents, whether they are filed in the court registry or not. Insert the court number, the location of the registry (e.g., Vancouver), as it is part of your style of proceeding. Write in the names of the plaintiff and defendant in capital letters (not addresses) in the style of proceeding.
 2. Fill in what you are asking the court/court registry to do (e.g., search for an appearance; file a consent order; enter a default judgment, etc.).
-

NOTES

Form 17

No.....

.....Registry

In the Supreme Court of British Columbia

1

Between

Plaintiff(s)

and

Defendants(s)

Requisition – General

2

Filed by:.....[party(ies)].....

Required:

3

1. Application pursuant to Supreme Court Civil Rule 5-1 (3) to shorten the service period applicable to a notice of case planning conference.
2. Application pursuant to Supreme Court Civil Rule 5-2 (3) (a) exempting a person from attending a case planning conference.
3. Application pursuant to Supreme Court Civil Rule 5-2 (3) (b) respecting the method of attendance at a case planning conference.
4. Application pursuant to Supreme Court Civil Rule 12-2(4) for an order respecting the manner a person is to attend a trial management conference or exempting a person from attending a trial management conference.
5. Application pursuant to Supreme Court Civil Rule 23-5(4) for directions that an application be heard by way of telephone, video conference or other communication medium and the manner in which the application is to be conducted.

Term of order sought:

4

1. The notice of case planning conference must be served on the[name of party].....by[set out date]..... .
2. [name of lawyer or party]..... is exempted from attending the case planning conference in person and may attend by[set out method of attendance]... ..
3. [name of lawyer or party]..... may attend the case planning conference by[set out manner of attendance]..... .
4. [name of lawyer or party]..... may attend the trial management conference by[set out manner of attendance]..... .
or
.....[name of lawyer or party]..... is exempt from attending the trial management conference.

5

5. The application of[name of party]..... be heard by[set out method of hearing]..... . (If required) The application be heard in the following manner;[set out manner of hearing]..... .

6

This requisition is supported by the following: [include reasons why the order is sought]

Date:

.....

Signature of
[] filing party [] lawyer for filing
party(ies)

[type or print name]

7

Address of applicant:

Phone number: _____

8

Order granted []

or

Application denied []

Date:

Judge/Master of the Supreme Court

NOTES

Court forms are available at: www.ag.gov.bc.ca/courts/other/supreme/2010SupRules/info/index_civil.htm.

They can be completed online and filed electronically using Court Services Online:
www.courtservicesonline.gov.bc.ca.

They can also be printed and completed manually; or completed online, printed and filed.

Use this version of Form 17 when your application is made pursuant to Rule 5-1(4), 5-2(3)(a), 5-2(3)(b), 12-2(4), or 23-5(4). File this form in the court registry. The Rules of Court will indicate if it must be served on the other parties.

1. The style of proceeding is the part at the top of the document that identifies your case within the court system. You will use the style of proceeding on every one of your documents, whether they are filed in the court registry or not. Insert the court number, the location of the registry (e.g., Vancouver), as it is part of your style of proceeding. Write in the names of the plaintiff and defendant in capital letters (not addresses) in the style of proceeding.
 2. Your name goes here.
 3. Check the box that applies (i.e., what application you are making).
 4. Check off the order you are asking the court to make.
 5. Put your name here, and how the application will be decided (e.g., by a hearing in court, or without a court hearing).
 6. State why you are asking the court to make the order (e.g., I am requesting that I attend the case planning conference by telephone instead of in person because I will be away on vacation and not near the courthouse on the date set for the conference).
 7. Put your address here.
 8. The court will complete this section, depending on whether your application is granted or denied.
-

NOTES

1

Form 19

(Rules 5-1 (1) and 23-2 (4))

[Style of Proceeding]

NOTICE OF CASE PLANNING CONFERENCE

[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]

A case planning conference has been set for this action:

[Check whichever one of the following boxes is correct and complete any required information.]

at the request of*[party(ies)]*.....

at the direction of the court

The case planning conference will be held at*[address of the registry in which the proceeding is being conducted]*..... at*[time of day]*..... on*[dd/mmm/yyyy]*..... .

This case planning conference has been set to consider:

[Check whichever one of the following boxes is correct and complete any required information.]

2

[in the case of a first case planning conference] the matters set out in the parties' respective case plan proposals

3

[in the case of a subsequent case planning conference]*[Using numbered paragraphs, set out a brief summary of the matters to be considered.]*.....

1

2

Date:*[dd/mmm/yyyy]*.....

.....

Signature of filing party lawyer for filing party(ies)

.....*[type or print name]*.....

NOTES

Court forms are available at: www.ag.gov.bc.ca/courts/other/supreme/2010SupRules/info/index_civil.htm.

They can be completed online and filed electronically using Court Services Online:
www.courtservicesonline.gov.bc.ca.

They can also be printed and completed manually; or completed online, printed and filed.

File this form in the court registry and serve it on all parties of record.

1. The style of proceeding is the part at the top of the document that identifies your case within the court system. You will use the style of proceeding on every one of your documents, whether they are filed in the court registry or not. Insert the court number, the location of the registry (e.g., Vancouver), as it is part of your style of proceeding. Write in the names of the plaintiff and defendant in capital letters (not addresses) in the style of proceeding.
 2. The Case Plan Proposal is Form 20.
 3. List the matters that you want discussed at the CPC (e.g., the adjournment of the trial for 6 months; the failure of the defendant to produce the company's financial statements for 2009).
-

NOTES

Form 20

(Rule 5-1 (6))

1

[Style of Proceeding]

CASE PLAN PROPOSAL

[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]

Party submitting this case plan proposal:

2

Indicate the party's proposal with respect to the following steps:

Item	Step	If parties agree, step agreed to and its timing [set out details or refer to attachment]	If parties disagree, party's proposal respecting step and its timing [set out details or refer to attachment]
1	Discovery of documents [when list is to be produced, where documents are to be made available for inspection, electronic document protocol, etc.]		
2	Examinations for discovery [person to be discovered, date of discovery, duration of discovery, etc.]		
3	Dispute resolution procedures under Part 9 of the Supreme Court Civil Rules [what procedures to be used and when, etc.]		
4	Expert witnesses [area of expertise of expert, date report to be served, etc.]		
5	List of witnesses [date list to be served]		
6	Proposed mode of trial		
7	Estimated trial length		
8	Preferred period(s) for trial date		
9	Other [specify]		

Date:[dd/mmm/yyyy].....

.....
Signature of

[] party [] lawyer for party

.....[type or print name].....

NOTES

Court forms are available at: www.ag.gov.bc.ca/courts/other/supreme/2010SupRules/info/index_civil.htm.

They can be completed online and filed electronically using Court Services Online:
www.courtservicesonline.gov.bc.ca.

They can also be printed and completed manually; or completed online, printed and filed.

File this form in the court registry and serve it on all parties of record.

1. The style of proceeding is the part at the top of the document that identifies your case within the court system. You will use the style of proceeding on every one of your documents, whether they are filed in the court registry or not. Insert the court number, the location of the registry (e.g., Vancouver), as it is part of your style of proceeding. Write in the names of the plaintiff and defendant in capital letters (not addresses) in the style of proceeding.
 2. Complete the list (e.g., List of documents to be produced within 15 days and made available for inspection at his accountant's office at 124 Main Street, Kelowna at a time fixed by the parties. The defendant has refused to deliver a list of documents although four requests have been made).
-

NOTES

Form 21

(Rule 5-3 (4))

[Style of Proceeding]

1

BEFORE

BEFORE

A JUDGE OF THE COURT

2

} or }

.....[dd/mmm/yyyy].....

A MASTER OF THE COURT

CASE PLAN ORDER

[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]

AT A CASE PLANNING CONFERENCE conducted on[dd/mmm/yyyy]..... by
.....[judge/master]..... in the presence of[names of attending counsel and parties].....;

THIS COURT ORDERS that the parties comply with the attached case plan.

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER

[A signature line in the following form must be completed and signed by or for each approving party.]

.....
Signature of [] party [] lawyer for[name of party(ies)].....

.....[type or print name].....

.....
Signature of

[] party [] lawyer for[name of party(ies)].....

.....[type or print name].....

By the Court.

.....
Registrar

Case Plan

1 Dispute resolution procedures

The parties have discussed resolution options including those under Part 9 of the Supreme Court Civil Rules and have agreed to the following:

[Check the box to the left of each step to be taken and fill in the agreed date.]

Step	Date by which step to be completed [dd/mmm/yyyy]
Offer to settle	
Mediation	
Special Case	
Proceeding on point of law	
Summary trial	
Summary judgment application	
Other [<i>identify</i>]	

A party may undertake any of the steps provided for in Part 9 of the Supreme Court Civil Rules whether or not the step is noted above.

2 Document production (Rule 7-1 of the Supreme Court Civil Rules)

3

The following steps will be completed by the date set out next to each step:

Step	Date by which step to be completed [if dates differ by party, indicate a date for each party] [dd/mmm/yyyy]
Delivery of the lists of documents required under Rule 7-1	
Completion of an electronic document protocol	
Other [<i>identify</i>]	

3 Examinations for discovery (Rule 7-2 of the Supreme Court Civil Rules)

4

The following examinations for discovery will be conducted, not exceed the time limits indicated and be completed by the date indicated:

Examination by (party name)	Examination of (party and person name)	Time Limit	Date by which step to be completed [dd/mmm/yyyy]

4 Applications

The following applications are anticipated:

5

[Identify each anticipated application and fill in the proposed date.]

Application	Date by which application anticipated to be brought [dd/mmm/yyyy]

A party may bring any other application whether or not that application is noted above.

5 Expert witnesses (Part 11 of the Supreme Court Civil Rules)

[For the following, complete the following Parts 1 and 2 for any expert evidence that the parties anticipate introducing at trial, and if the parties are unable to provide the information required under Part 1 or 2, complete the following Part 3.]

Part 1

6

Each party may tender the report of, or call to give oral opinion evidence, an expert with the following expertise:

Name of party who intends to call the expert <i>[if expert is being called jointly, specify "Joint"]</i>	Area of Expertise

Part 2

The following steps will be taken by the date set out next to each step:

Step	Date by which step to be completed [if dates differ by party, indicate a date for each party] [dd/mmm/yyyy]
Joint expert's report served	
Expert reports served	
Responding expert reports served	
Notices of objection to expert evidence served (Rule 11-6 (10))	
Experts confer and serve report summarizing points of difference	
Other [<i>identify</i>]	
Other [<i>identify</i>]	

Part 3

If the information set out in the foregoing Part 1 or 2 is incomplete, the parties will apply to amend this order to complete that information by[dd/mmm/yyyy]..... .

7

6 Witnesses (Rule 7-4 of the Supreme Court Civil Rules)

The following steps will be completed by the date set out next to each step:

Step	Date by which step to be completed [if dates differ by party, indicate a date for each party] [dd/mmm/yyyy]
Serve lists of witnesses to be called at trial	
Other [<i>identify</i>]	
Other [<i>identify</i>]	

7 Trial (Part 12 of the Supreme Court Civil Rules)

- (a) Estimated length of the trial:[days].....;
- (b)[party(ies)]....., will file a Notice of Trial in Form 40 to secure the trial date by[dd/mmm/yyyy]..... .

8 Other

NOTES

Court forms are available at: www.ag.gov.bc.ca/courts/other/supreme/2010SupRules/info/index_civil.htm.

They can be completed online and filed electronically using Court Services Online:
www.courtservicesonline.gov.bc.ca.

They can also be printed and completed manually; or completed online, printed and filed.

All parties must sign the order, unless signed by the judge or master, and then submitted to the court registry for entry; once entered, it is returned to the submitting party, who should send copies to the other parties.

1. The style of proceeding is the part at the top of the document that identifies your case within the court system. You will use the style of proceeding on every one of your documents, whether they are filed in the court registry or not. Insert the court number, the location of the registry (e.g., Vancouver), as it is part of your style of proceeding. Write in the names of the plaintiff and defendant in capital letters (not addresses) in the style of proceeding.
 2. Include the name of the judge or master who presided over the case planning conference, as well as the date the order was made.
 3. For example: plaintiff to deliver list of documents within 15 days; defendant to deliver list of documents within 15 days of receipt of plaintiff's list.
 4. Specify the time limits set for examinations for discovery (e.g., 4 hours).
 5. Specify the court applications that you anticipate (e.g., an application for production of correspondence between the defendant Joe Brown and John Green regarding the sale of the defendant's business; an application to add John Green as a defendant to the action).
 6. Provide information about the experts who you anticipate will give evidence at trial (e.g., the plaintiff intends to call Jane Blue as an expert on the effects of alcohol consumption before participating in sports; Joint expert Betty White on snow conditions at Black Mountain ski resort on date of accident).
 7. Provide information about the witnesses you anticipate will give evidence at trial.
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