



PROVINCIAL COURT OF SASKATCHEWAN - CIVIL DIVISION

Case Management Conference

What is a Case Management Conference (CMC)?

The Case Management Conference is a settlement discussion held between the parties presided over by a judge. It is attended by the Judge, and the parties (the Plaintiff and the Defendant). If a party has a lawyer representing him or her, the lawyer may also attend. It is not a trial. Therefore no witnesses are required to attend and there will not be a determination made as to who should be successful.

This meeting happens after the Plaintiff begins the lawsuit by filing the Claim/Summons, but before the trial. Generally, the CMC is 30 minutes to one-hour long.

Why Have a CMC?

The purpose of this meeting is to try settling some or all of the issues in dispute before going to trial. This may mean that a trial is ultimately not necessary. However, if a trial is still needed, it might be shorter and simpler because some of the issues have been resolved at the CMC.

IT IS MANDATORY FOR THE PARTIES TO ATTEND THIS CONFERENCE. FAILURE TO ATTEND MAY RESULT IN YOUR CLAIM BEING DISMISSED OR JUDGMENT ENTERED AGAINST YOU, AS THE CASE MAY BE.

What Happens at a CMC?

The CMC begins with the judge and the parties meeting together to discuss the case. In certain situations, the judge may even take turns meeting with the parties separately to discuss each side of the case. Exactly how a meeting proceeds may vary from case to case.

During this meeting the Judge will give the parties input on their case, including:

- the Judge's assessment of the strengths or weaknesses of each party's evidence
- the Judge's opinion of the statute or common law that might apply
- the Judge's suggestions for possible resolution

How Do I Prepare for a CMC?

It is important to come to the CMC prepared to deal with your case. It is necessary to bring all relevant documents and materials to be able to fully discuss and present your position. It is helpful if these documents are organized by date. Because time is limited, it would greatly assist the process to have sent copies of any documents or material that you intend to rely on to the opposing party ahead of time. Copies of documents can be made by the Court clerk at the Small Claims Office at the cost of .50 per page if photocopying equipment is not available to you.

Unless otherwise directed by the Court, all parties must attend the CMC and be authorized to settle the case. It is not sufficient to send someone on your behalf who cannot consent to a settlement.

Rules of a CMC

1. The judge conducting the CMC will **not** be the trial judge so parties can speak freely.
2. All settlement discussions are **“off the record”**. This means that if a trial is necessary, the discussions from CMC cannot be used by either party at trial. This includes any of the opinions expressed by the judge on any issue.
3. It is possible that there may be some points of agreement reached during the discussion. If so, the CMC Judge will advise the parties that these points will be communicated to the trial Judge.

What If The CMC Does Not Lead to Settlement?

If settlement cannot be achieved at the CMC, the matter will proceed on to trial. The judge will briefly explain the trial process and the date for the trial will be set. At the trial, the judge may award certain costs if the matter could have been settled at the CMC but was not.

If the case must proceed to trial, the CMC judge asks the parties for certain information about the trial. This includes:

- The number of witnesses the Plaintiff plans to call.
- The number of witnesses the Defendant plans to call.
- The need for any expert evidence or expert witnesses for either party, including the expert's name, occupation and title/position.
- Will either party be getting a lawyer to represent them at the trial?
- Are there documents that the parties must exchange?
- How are exhibits going to be presented? For example, photographs are better than bulky engine parts or a can of paint.
- Are there any special requirements? For example, a witness from out of town who wants to give telephone evidence.

The CMC judge will conclude the meeting by ensuring that each party receives an information package entitled "Preparing for Trial". He or she will also give a brief explanation of the trial process and how to prepare.

Finally, the parties are free to continue settlement discussions on their own anytime after the CMC. If a settlement is reached, the Plaintiff should advise the Court in writing.