



MEMO TO COUNSEL

From: The Honourable Madame Justice Wendy L. MacPherson
Date: May 24, 2017
Re: CAS Trial Scheduling Conferences & Forms

I am hoping to address some confusion that has arisen about the proper forms to be used in CAS protection proceedings.

In the past, it was always our practice in the St. Catharines Family Court for a Trial Management Conference to be held. Trial Management Conference briefs would be expected to be filed in the Continuing Record.

With the recent changes to the Family Law Rules and the Practice Direction, a Trial Scheduling Conference (TSC) replaces the Trial Management Conference (TMC) (although a judge may also schedule a TMC, in appropriate circumstances).

There may have been some initial confusion amongst the judges where TMC's were being set, with the result that some counsel would file a Trial Management Conference brief while others would file a Trial Scheduling Endorsement form.

The form to be filed for a CAS Trial Scheduling Conference is a Trial Scheduling Endorsement form. This is not filed in the Continuing Record.

It is also very helpful to the judge conducting the TSC to have counsel and parties file a written opening statement so that it is easier to understand the issues; the positions being taken; and to be able to effectively deal with the proposed witness lists and understand any evidentiary or other legal issues that may arise in the trial.

I trust that this clarifies these matters.

A handwritten signature in cursive script, appearing to read 'Justice W.L. MacPherson'.

Justice W.L. MacPherson
WM/mh