

Chief Adjudicator Directive

Pre-Hearing Teleconference (Complex Track)

In the complex issues track, before conducting a hearing (Practice Direction PD-1), adjudicators will conduct a mandatory pre-hearing teleconference with representatives of the parties. The teleconference will be arranged by the Secretariat to take place as soon as practicable after the adjudicator receives the file. The claimant does not need to participate, unless the claimant is self-represented. The teleconference will not be recorded.

During the pre-hearing teleconference, in order to have the hearing proceed in a manner that is as efficient and effective as possible, adjudicators are to address procedural issues, which could include the following:

- the nature of the claim and expected evidence, including oral evidence of the claimant on key elements of the claim, including Acts, Harms and Actual Income Loss or Other Wrongful Act;
- whether the documents produced (including the application) support a complex track claim;
- confirmation that the Claimant intends to proceed with a complex track claim;
- whether the case is ready to proceed to a hearing, and whether mandatory documents have been filed;
- what, if any, further documents will be required;
- whether the claimant or defendants anticipate calling any evidence, and if so, the identity or type of witness(es) to be called, the expected nature of their evidence, and when witness statements will be provided;
- preliminary discussion of the type of expert assessment, if any, that may be appropriate;
- indication as to sensitive areas of evidence that may need to be canvassed at the actual hearing;
- agreement, if any, on questions of fact;
- canvassing dates for the hearing;
- discussion of any other matters that may be raised by the adjudicator or the parties.

If, at the conclusion of the pre-hearing teleconference, the parties agree that the complex track is not appropriate, the claim will be set for hearing under the standard track. Otherwise, it will continue in the complex track.