

## PRACTICE NOTE

### PRE-TRIAL CONFERENCES (CIVIL CASES)

The attention of the profession is drawn to Rule 39 governing Pre-trial and Pre-hearing Conferences.

Since enactment of this Rule, it has been the experience that in many cases the holding of the Pre-trial Conference is treated by the parties as of slight importance.

Pre-trial Conferences are automatically scheduled by the Court because they are intended to be a useful and important part of the trial process. Therefore, the Court expects that counsel and the parties they represent will treat the Conference as an integral part of the trial process, no less important than the trial proceedings themselves.

In this connection, it is expected that all counsel attending the conference will be fully briefed with respect to the subject-matter of the litigation and prepared to provide the necessary detailed information to allow an assessment of the issues, the status of the pleadings, and all other matters which may affect the procession of the trial.

It should also be noted that pursuant to Rule 39.01(1), the scheduling of the Pre-trial Conference by the Court constitutes a direction to appear at the set time and date. Therefore, it is expected that, except in circumstances deemed justifiable by the Court, all parties will be represented by properly instructed counsel at the time and place specified in the notice from the Registry. Failure to so attend constitutes non-compliance with a direction or order of the court and may be dealt with accordingly.

It is the hope and intention that with the expected proper participation by all concerned, the Pre-trial Conference system will fulfill the role encompassed by the Rule and intended by the Court.

DATED at St. John's this 6th day of August, 1990.

Sgd. T. Alex Hickman  
Chief Justice