



Horse Racing Appeal Panel
90 Sheppard Avenue East, Suite 200
Toronto ON M2N 0A4
Tel: 416 326-8700 or 1 800 522-2876 toll free in Ontario
Fax: 647 423-2198

Practice Direction

Pre-Hearing Conferences

This document provides general information about pre-hearing conferences before the Horse Racing Appeal Panel (HRAP or Panel). The procedure outlined in this document is for information only. It is not a rule within the meaning of the HRAP's Rules of Procedure. The HRAP may vary its approach to pre-hearing conferences, as and where appropriate.

Introduction

The Panel recognizes that pre-hearing conferences can simplify and streamline the hearings process by helping parties to plan and prepare in advance of a hearing and by prompting pre-hearing disclosure of each party's case. The effective use of pre-hearing conferences, in particular for the more complicated cases that are heard by the Panel, is intended to allow a more efficient and timely resolution of matters before the HRAP.

At the pre-hearing conference, the parties have the opportunity to work with the Panel to: define and narrow the issue(s) in dispute; reach agreement on facts; disclose evidence and witness lists; consolidate different appeals that raise the same issue; discuss a timetable for the proceedings; share and exchange documents and information pertaining to the hearing; decide on the format and conduct of the hearing; and, discuss possibilities for the early resolution of the appeal.

Direction or Request to Attend a Pre-Hearing

The HRAP will direct that the parties and/or their representatives attend a pre-hearing conference prior to the main hearing where it considers that a pre-hearing conference may assist in the just and expeditious disposition of the appeal. Typically, a pre-hearing conference will occur in "A" hearings (these are cases that involve more serious infractions and penalties, and in which three Panel members typically preside), unless there are unusual or special circumstances to dispense with a pre-hearing conference.

A party may also request a pre-hearing conference at any time prior to the final resolution of a matter, including in those cases where the Panel has not directed the parties to attend a pre-hearing. A party who requests a pre-hearing conference shall file a written request with the Panel setting out the reasons for the request.

Notice of Pre-Hearing

Where the Panel has granted a party's request for a pre-hearing conference or where the Panel has directed that a pre-hearing conference be held the Panel shall notify the parties in writing of the pre-hearing conference.

The Notice of Pre-Hearing Conference shall set out the format for the pre-hearing conference (i.e. whether it will be in-person, or by telephone or in writing, for instance) and the date, time and location of the pre-hearing conference.



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The Notice of Pre-Hearing Conference shall be sent to the parties as soon as practicable following the grant of the party's request for a pre-hearing conference or the Panel's direction to attend at a pre-hearing conference.

Conduct of Pre-Hearing

A pre-hearing conference may be conducted as an in-person meeting, telephone, video-conference, in writing or in some combination of these forms. As a general rule, an electronic (telephone or videoconference) pre-hearing shall be conducted unless it is likely to cause prejudice to either of the parties or there are other justifiable reasons for not so doing. A Panel member will preside.

Where the parties consent, the Panel member who presides at the pre-hearing conference may hear the appeal.

Any settlement discussions between the parties at the pre-hearing conference shall be held confidentially and without prejudice to any party.

Issues to Consider at a Pre-Hearing

A pre-hearing conference may be held to deal with any or all of the following:

1. identification of parties and other interested persons and the scope of their participation at the hearing;
2. issues relating to disclosure and the exchange of information;
3. identification and simplification of issues;
4. identification of preliminary motions;
5. procedural issues including the dates by which any steps in the proceeding are to be taken or started, the estimated duration of the hearing and the date that the hearing will start;
6. expert witnesses;
7. identification of facts or evidence that may be agreed upon;
8. settlement of any or all of the issues; and
9. any other matter that may assist in the just and most expeditious disposition of the proceeding.

Outcomes of a Pre-Hearing

At the conclusion of the pre-hearing conference, any orders, agreements and undertakings that were made by the parties shall be recorded in a memorandum prepared by or under the direction of the member presiding at the pre-hearing conference. Copies of this memorandum shall be provided to the parties as well as to the member presiding at the hearing and to such other persons as the member presiding at the pre-hearing conference directs.

The orders, agreements and undertakings in the memorandum shall govern the conduct of the proceeding and are binding upon the parties to the proceeding unless otherwise ordered by the HRAP.



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More Information

For more information about pre-hearing conferences or the appeals process, please consult our Guide to the Appeals Process which can be found on the HRAP's website at www.hrappanel.ca.