

# H. INFORMATION SHEET: WHAT TO EXPECT AT YOUR HEARING



A hearing is the part of a proceeding before the HRAP where your case will be heard. The Panel is responsible for conducting a fair, open and accessible process and making a final decision on the issues. The *Rules of Procedure* set out important requirements related to your hearing.

## *What do I use to prove my case?*

At your hearing, you will be expected to present submissions and evidence that support your appeal. Evidence can include testimony by witnesses and documents such as videos, invoices, medication records, or expert reports.

**Five days** before your hearing, you have to file with the HRAP and serve on all parties a hearing brief. This will contain a brief summary of the relevant facts and basis for the appeal, list of all witnesses, and any authorities, cases and/or rules on which you plan to rely.

Please see *Rule 13.1, Hearing Briefs, Rule 10, Evidence of the Rules of Procedure* and [Information](#)

[Sheet: Witnesses, Summons, and Evidence](#) for more information.

## *How do I prepare for the hearing?*

You should collect evidence that you intend to rely on to argue your case and make sure you share the documents with other parties before the hearing according to the disclosure requirements. Please see Rule 7, [Disclosure and Information Sheet: Disclosure / Information Exchange](#) for more information.

You may also wish to prepare questions for your witnesses, or the witnesses called by the other party(ies). However, you must not direct the witnesses how to answer the questions.

The HRAP will provide a copy of an Appeal Book to you before the hearing containing the decision(s) being appealed, the Notice of Hearing, any other orders that the HRAP may have issued, and such other documents as the HRAP may determine. Be sure to bring this Appeal Book to the hearing.



### *How does the Panel use the information from evidence, such as witnesses, documents and things?*

Hearings before the HRAP are conducted “de novo”. This means that the Panel will consider the matter as a new matter, and is not bound by the original findings of the AGCO Official (e.g., Judge, Steward, or Registrar) or evidence relied upon by them.

### *How do I present my case?*

At a hearing, you have the opportunity to present your case including evidence and statements. Hearings typically follow this format:

- a. Calling evidence:** Present your evidence to the Panel. This includes calling your witnesses, who will be sworn in, and submitting documents as evidence in the hearing by filing them as official exhibits. For more information, see *Rule 10, Evidence, Rules 3.9-3.12, Summons to Witness* of the [Rules of Procedure](#), and [Information Sheet: Witnesses, Summons, and Evidence](#).
- b. Cross-examination:** You will have the opportunity to cross-examine other parties (if they testify) and their witnesses. This means you can ask the other party or witnesses questions.
- c. Re-examination:** After your witnesses have testified, and have been cross-examined by the other party(ies), you have the opportunity to ask your witness more questions regarding topics that were raised during the cross-examination. A Panel member is also able to ask questions at any stage of the hearing.

You may also be asked to provide an opening and closing statement.

- An **opening statement** is a short summary of the reasons for your appeal, the evidence you intend to submit and the main points of your case.
- A **closing statement** is your final opportunity to sum up your case and explain why the Panel should decide in your favour. You should not be submitting new evidence at this time. In your closing statement, you should include the specific order that you are requesting from HRAP.

#### **Last updated: February 2017**

*This information sheet is intended to provide general information to appellants and other related parties regarding the appeal process of the Horse Racing Appeal Panel. It does not constitute legal advice. If any information in this Guide is not consistent with the Rules of Procedure, the Rules of Procedure will prevail.*

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