

# G. INFORMATION SHEET: PRE-HEARING CONFERENCES



The *Rules of Procedure*, and in particular *Rule 8, Pre-Hearing Conferences* of the [Rules of Procedure](#), set out important information about pre-hearing conferences.

## *Who can request a pre-hearing conference?*

A party may request a pre-hearing conference or the HRAP may order one on its own initiative

## *How do I prepare for a pre-hearing conference?*

All documents or materials that you wish to be discussed or considered at the pre-hearing, must be sent to all parties **five days** in advance of the pre-hearing conference. If your pre-hearing conference is held in person, please also bring a copy of these documents.

As you prepare for the pre-hearing conference, consider whether there are any reasonable resolutions to the issue you are appealing. For example, if you are appealing a ruling that includes a requirement to pay a monetary penalty, perhaps you do not disagree with the basis for the ruling, but would like to request a lesser monetary penalty.

## *What can I expect at the pre-hearing conference?*

At the pre-hearing conference, parties can agree on certain issues related to the proceedings (e.g., sharing documents, determining the issues to be heard, etc.). In some cases, parties can even agree to resolve or settle a matter.

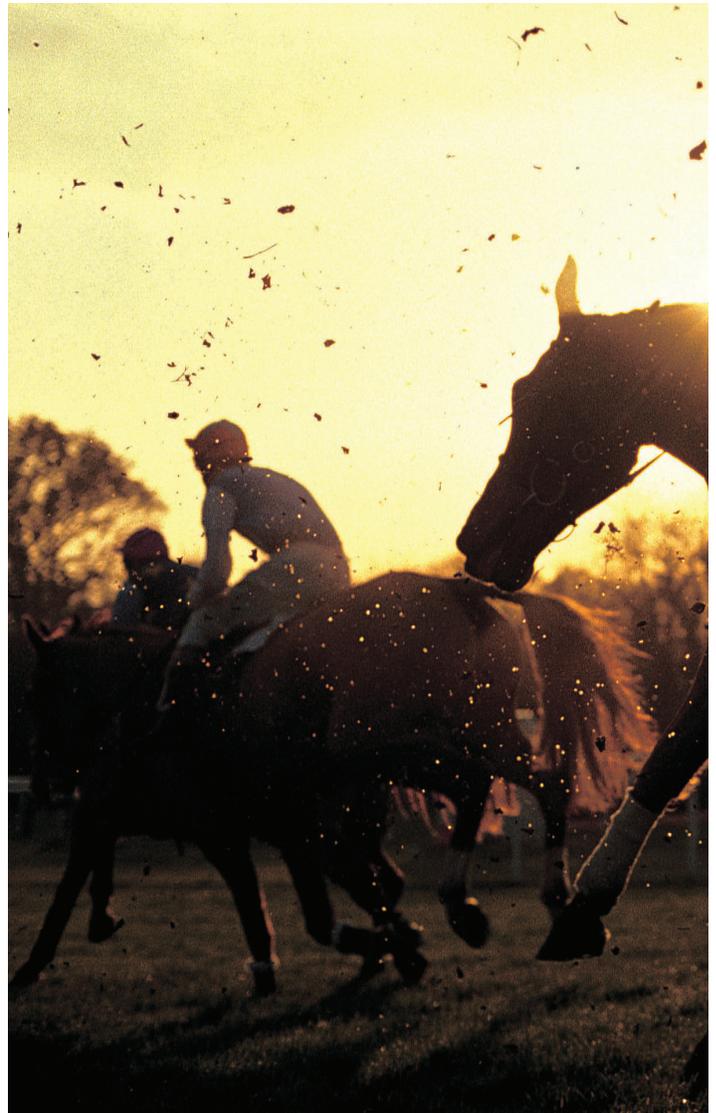
If your hearing date has not yet been scheduled, the pre-hearing conference can be used to set the hearing date. You must know your availability and the availability of your witnesses.

After the pre-hearing conference, you will receive a document that sets out any orders, agreements, and undertakings that were made at the pre-hearing conference, and you will be required to comply with any requirements outlined in the document.

## *Can my representative attend the pre-hearing conference on my behalf?*

The written notification of a pre-hearing conference will set out whether you are personally required to attend the pre-hearing conference, or if you are allowed to instead send your representative on your behalf.

If the notice of pre-hearing conference allows you to send a representative and you choose to have a representative attend on your behalf, that person must have the legal authority to enter into agreements for you. Please see [Information Sheet: Representatives](#) for more details.



### *What happens if I do not attend the pre-hearing conference?*

If you do not contact the HRAP in advance and you or your representative do not attend or stay until the end of the hearing, you will not be entitled to any further notice in the entire appeal process. This means that the appeal process can continue and you may not receive further notifications of it, such as information about any upcoming hearings.

### *Is my pre-hearing conference confidential?*

Pre-hearing conferences are private and are not open to the public.

Settlement discussions at a pre-hearing conference are confidential and “without prejudice” to either party. This means that evidence filed or statements made for the purpose of settlement, and statements made “without prejudice”, cannot be revealed at the hearing by any party and will not be communicated to the Panel member presiding at the hearing. Also, the Panel member who conducts the pre-hearing conference will not be present at or make any decisions at your hearing, unless with the consent of the parties.

#### **Last updated: March 2020**

*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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