

1. Introduction

This policy is about having a designated adjudicator for each proceeding, who is responsible for overseeing the management of that proceeding. The objective is to improve continuity and efficiency.

2. Process

When a new proceeding is commenced, or for any proceeding that is underway when this policy comes into effect, the Chief Adjudicator will assign an adjudicator to be the case management adjudicator for that proceeding. Where possible, the case management adjudicator will continue in that role throughout the proceeding. In exceptional circumstances, the Chief Adjudicator may designate a new case management adjudicator.

3. Panel assignments

Assignment of panels for all hearings in a proceeding will remain the responsibility of the Chief Adjudicator.

In order to promote continuity, the case management adjudicator will be the default presiding adjudicator for a single-member panel, or presiding chair for a panel of two or more adjudicators.

Where the case management adjudicator will soon be presiding over any hearing at which dates will have to be set for future hearings, the case management adjudicator must consult with the assigned Registrar in advance of the impending hearing, to confirm likely panel members for the future hearings. Where possible, going into the scheduling hearing, the case management adjudicator will be equipped with the availability of the likely panel members for the future hearings.

If, prior to a scheduling hearing, the case management adjudicator knows that their own unavailability would preclude the fixing of appropriate hearing dates, and would thereby interfere with efficient and expeditious progress of the proceeding, the case management adjudicator should consult with the Chief Adjudicator as soon as possible. The Chief Adjudicator will consider whether other adjudicators should be assigned to one or more hearings, and if so, will advise all involved adjudicators and counsel which of the various adjudicators who have been on a panel in the proceeding will likely be on future panels in that proceeding. If there is no opportunity to consult with the Chief Adjudicator before setting the dates, the case management adjudicator should proceed to set dates (even if those dates are ones on which the case management adjudicator is unavailable) and advise the Chief Adjudicator as soon as possible after the hearing.

4. Responsibilities of the case management adjudicator

The case management adjudicator will work with assigned Tribunal counsel throughout the life of the proceeding to:

- identify at an early stage, and resolve if possible, preliminary issues;
- manage the various steps along the way, to ensure that things are moving as expected and required;
- consider at each stage of the proceeding whether it would be productive to convene a confidential conference (to be presided over by another adjudicator) for the purpose of attempting to settle or simplify issues, reach agreed facts, or consider any other matter that may further a just, expeditious and cost-effective disposition of the proceeding; and
- to deal with any procedural issues that arise.

Tribunal counsel and the assigned Registrar may consult with the case management adjudicator at any time about any questions that arise in the proceeding.

As a general rule, and for the sake of efficiency, the case management adjudicator may do any of the following things alone, and without the involvement of other members of previous or upcoming panels: (i) communicate with and instruct Tribunal counsel; (ii) in consultation with Tribunal counsel, instruct the Registrar to send a message to the parties; and (iii) issue orders. The exception to these would be where a multi-member panel has already begun consideration of any of the issues presented by the particular step. In those circumstances, the multi-member panel is already seized of the issues, so all members of the panel must be involved.