

COMMUNITY CARE AND ASSISTED LIVING APPEAL BOARD

PRE- HEARING APPEAL MANAGEMENT CONFERENCES

Appeal management is the entire process used by the Board to move the appeal from beginning to end. The objective of the Board is to manage the appeal process to ensure the just and timely hearing and resolution of each appeal. A pre-hearing appeal management case conference is one way to assist the Board to manage the appeal process.

An appeal management conference is a meeting, usually by telephone conference call, conducted by a member of the Board or one of its staff and attended by the participants to the appeal. The purpose of an appeal management conference is to discuss the issues raised by the appeal, the likely evidence, the best method of managing and hearing the appeal and whether all or part of the appeal can be resolved between the parties without a hearing and decision by the Board.

A Board member who conducts an appeal management conference where confidential settlement matters are discussed will not, unless the parties agree, sit on the panel hearing the merits of the appeal.

An appeal management conference may be scheduled by the Board on its own initiative or at the request of a participant in the appeal. Even if an appeal management conference does not result in the resolution of the appeal, it usually helps the parties to understand and narrow the issues and to identify areas of agreement and disagreement which then allows the appeal process to run more smoothly and with focus. Rule 13 describes how an appeal management conference is scheduled, the matters that may be expected to be addressed, and the recommendations, directions or orders that may be made at the conference.

All participants or their representatives must attend the appeal management conference and must be authorized and prepared to discuss and make decisions about the items on the agenda. Following an appeal management conference, the Board member or person who conducted it may issue a report of the recommendations, directions or orders they are making or of the participants' agreement on any facts, issues or appeal management matters.

Possible issues for discussion at a pre-hearing conference may include:

- clarification and simplification of the issues on the appeal;
- identification of possible resolution of the issues on appeal;
- setting the date, time and place for the hearing of the appeal;
- identification of any agreed facts;
- the evidence that will be required and the procedure that will be followed for the hearing of the appeal;
- production of documents in the appeal;
- setting a schedule for participants' delivery and exchange of documents and submissions leading up to the hearing;
- the number and anticipated duration of any witnesses to be called; and
- any preliminary or interim matters that may require an order or direction.