

Sample Hearing Checklist for Administrative Tribunals

Case Citation

Date of Hearing

Time

Names of Legal Counsel

PRE-HEARING

- Proper notice provided
- Service of notice confirmed
- Disclosure of evidence
- Interpreters arranged
- Subpoenas issued
- Written authorizations for representatives
- Pre-hearing conference
- Preliminary motions (dealt with in advance of the hearing if possible)
- Set out or attach any applicable legislation or tribunal guidelines relating to pre-hearing matters, example: notice requirements, disclosure requirements, procedures for preliminary motions

HEARING PROCEDURE

- Set out or attach any applicable legislation and tribunal guidelines relating to hearing procedures, for example: powers of a commissioner under Part V of *The Manitoba Evidence Act*, manner which evidence can be presented, how long the panel will wait for a party who has been properly served but is not present

INTRODUCTION

- Hearing called to order
- Quorum confirmed
- Panel introduced
- Appearances of parties/counsel confirmed
- Confirm both parties have copies of the evidence
- Explain hearing procedures such as: order of proceedings, exclusion of witnesses, whether hearing is recorded, basic rules of conduct such as addressing the panel, no interruptions, cell phones off

JURISDICTION

- Any challenge to jurisdiction? Hear submissions, deliberate, rule or reserve

PRELIMINARY MATTERS

- Preliminary matters/motions – hear submissions, deliberate and rule on preliminary and procedural matters such as adjournment requests, bias allegations, exclusion of witnesses, parties seeking to intervene, consolidating cases, constitutional challenges

EVIDENCE

- Confirm if there are any issues or facts that are not in dispute
- **Full oral hearing**
 - Opening statements of the parties
 - Applicant's case: witness called – oath or affirmation, direct examination by Applicant, cross examination by Respondent, questions from the panel, questions from the Respondent arising from the panel's questions, re-examination by Applicant. Repeat with other witnesses for the Applicant
 - Respondent's case: witness called - oath or affirmation, direct examination by Respondent, cross examination by Applicant, questions from the panel, questions from the Applicant arising from the panel's questions, re-examination by Respondent. Repeat with other witnesses for the Respondent
 - Final Argument by Applicant and Respondent
 - Closing Remarks of the Tribunal – advise if reserving on decision or returning with order or decision after deliberation, confirm parties' addresses to send decision
- **Written hearing**
 - Applicant and Respondent written evidence and submissions
 - Applicant and Respondent written Reply to the other party's evidence and submissions
 - Written questions of the panel and responses of the parties

DELIBERATIONS

- Panel deliberates on the evidence and submissions and makes and records a resolution, immediately following the hearing (preferable), or at a scheduled time

ORDERS

- Review statutory powers to ensure jurisdiction for Order
- If Orders are provided at the hearing, panel returns to the hearing and provides order, in writing and/or orally
- Otherwise, due date for Order: (As per statute or tribunal policy) and instructions on how the Order is to be returned to the tribunal

REASONS

- If Reasons for Decision are provided at the hearing, panel returns to the hearing and provides Reasons, in writing and/or orally
- Otherwise, due date for Reasons for Decision: (As per statute or tribunal policy) and instructions on how the Reasons are to be returned to the tribunal

APPEAL PERIOD

- Set out the appeal deadline (relevant for matters such as enforcement, publication)

ETC.

- Tribunal practice for the return of evidence, panel notes, etc, to the tribunal for the record/safekeeping

Recommended Resource: Practice Essentials for Administrative Tribunals, Ombudsman Saskatchewan

https://www.ombudsman.sk.ca/uploads/document/files/omb-tribunal-guide_web-en-1.pdf