

THE CLASS PROCEEDINGS COMMITTEE

PRACTICE DIRECTION # 4

HEARINGS

Section 5(3) of Ontario Regulation 771/92 made pursuant to the *Law Society Act*, R.S.O. 1990, c. L.8, as amended, directs the Class Proceedings Committee to take into account:

The amount of money in the Fund that has been allocated to provide financial support in respect of other applications or that may be required to make payments to defendants under section 59.4 of the Act.

In accordance with its desire to ensure that the Fund continues to be self-funding, that sufficient resources are maintained to fund current and future cases as well as potential costs awards, and to ensure that funded cases are approached in a fair and consistent manner, the Committee has determined that the following general approach should be taken with respect to funding applications:

- 1) In accordance with section 3(3) of Ontario Regulation 771/92, all applicants are entitled to make oral submissions to the Committee concerning the applicant's first application.
- 2) Thereafter, all supplementary applications are to be made in writing, in accordance with the Committee's practice to date, unless:
 - a. a supplementary application raises a serious issue about which the Committee has concerns or which requires clarification;
 - b. the additional funding requested, if granted, would result in total funding in the case exceeding \$500,000;
 - c. the matter is approaching trial; and/or
 - d. there are other circumstances related to the funded matter which make it inappropriate to decide the supplementary application by way of a written application.
- 3) In the event that the Committee determines, pursuant to paragraphs 2a), b), c), or d) that a supplementary application cannot be dealt with in writing, then the applicant will be invited to attend an oral hearing to address any factual matters, legal issues, or other concerns which the Committee may have. Prior to the hearing the applicant will be requested to provide such material that the Committee requires for the proper assessment of the matter such as a status report, an updated opinion on the merits or certifiability of the matter, copies of expert reports and any other material which the Committee may determine is necessary.

Dated this 25th of November 2010.

Valerie A. Edwards
Chair
Class Proceedings Committee