

Republic of the Union of Myanmar
Union Supreme Court of the Union

Notification No. (649/ 2018)
1380 M.E., Second Waxing of Waso 5
(1 August 2018)

In exercising the mandate conferred in Article (73) of Union Judicial Law, the Union Supreme Court issues the following procedure.

Chapter (1)
Title and Definition

1. This procedure shall be called Case Management Procedure.
2. The following expressions contained in this procedure shall have the meanings given hereunder:
 - (a) "Case Management" is the arrangement carried out by court in collaboration with parties involved in the case in order to continuously supervise with technical assistance in conducting timely disposition as per the time standards for either criminal or civil cases in accordance with Code of Criminal Procedure.
 - (b) "Case Management Conference" is a meeting with both parties, their representatives and their lawyers conducted before the trials for either criminal or civil cases in order to inform them the trial plan and to ask them to arrange the facts prepared.
 - (c) "Pre-trial Conference" is a meeting with both parties conducted before the answer is issued in civil cases in order to ask them prepared the matters, they wish within the set time frame.
 - (d) "Final Pre-trial Conference" is a meeting conducted for either criminal or civil cases in order to consult and plan the schedules of trials for the witnesses proposed in the case and the schedules of documents and evidence presentation so that the trials scheduled dates shall be informed and the trials shall be carried out accordingly without failure.
3. This procedure shall be applied for the first instance trials of criminal and civil cases.

Chapter (2)
Purpose

4. This procedure has the following purpose:
 - (a) to settle disputes fairly in cases
 - (b) to trial cases in timely manner
 - (c) to reduce backlog and delayed cases
 - (d) to increase public trust and confidence on courts

Chapter (3)
Principles

5. This procedure has the following principles:
 - (a) Uniformity in application of case management system in courts

- (b) Proactive management led by judge in order not to have judicial delays
- (c) Trial continuance
- (d) Reduction of frequent postponements for cases
- (e) Adoption of multiple witness hearings policy per scheduled hearing
- (f) Disposition of cases within the set time standards and average number of hearings
- (g) Awareness in advance of parties on the time to carried out the phases of the case depending on its case track and on the duration for the disposition of case
- (h) Provision of preparatory time before the trials for both parties, law officers, case documentation responsible personnel and lawyers
- (i) Obligation for the presence of witnesses before court on scheduled court date by both parties, law officer, case documentation responsible personnel and lawyers
- (j) Settlement, resolution and disposition over the case matters related to parties among themselves
- (k) Enhancement of court users' satisfaction over the efficiency and services of court

Chapter (4)

Designation of Case Tracks and Time Standards

6. For criminal cases, (3) different tracks are designated as Quick Action Needed Case, Standard Simple Case and Complex Case.

(a) The Quick Action Needed Case shall be disposed within (90) days. The initial phase including the conduct of Case Management Conference and Final Pre-trial Conference shall be carried out within (25) days. The hearing phase including the hearing of plaintiff, defendant and their witnesses and the hearing of final argument shall be carried out within (55) days. The judgement shall be passed within (10) days.

(b) The Standard Simple Case shall be disposed within (180) days. The initial phase including the conduct of Case Management Conference and Final Pre-trial Conference shall be carried out within (50) days. The hearing phase including the hearing of plaintiff, defendant and their witnesses and the hearing of final argument shall be carried out within (110) days. The judgement shall be passed within (20) days.

(c) The Complex Case shall be disposed within (270) days. The initial phase including the conduct of Case Management Conference and Final Pre-trial Conference shall be carried out within (75) days. The hearing phase including the hearing of plaintiff, defendant and their witnesses and the hearing of final argument shall be carried out within (165) days. The judgement shall be passed within (30) days.

7. For civil cases, (3) different tracks are designated as Quick Action Needed Case, Standard Simple Case and Complex Case.

(a) The Quick Action Needed Case shall be disposed within (270) days. The initial phase including the presence of litigant, the conduct of Case Management Conference and Pre-trial Conference shall be carried out within (90) days. The hearing phase including the filing of answer, the conduct of Final Pre-trial Conference, the hearing of plaintiff, litigant and their witnesses and the hearing of final argument shall be carried out within (160) days. The judgement shall be passed within (20) days.

(b) The Standard Simple Case shall be disposed within (365) days. The initial phase including the presence of litigant, the conduct of Case Management Conference and Pre-trial Conference shall be carried out within (120) days. The hearing phase including the filing of answer, the conduct of Final Pre-trial Conference, the hearing of

plaintiff, litigant and their witnesses and the hearing of final argument shall be carried out within (215) days. The judgement shall be passed within (30) days.

(c) The Complex Case shall be disposed within (540) days. The initial phase including the presence of litigant, the conduct of Case Management Conference and Pre-trial Conference shall be carried out within (180) days. The hearing phase including the filing of answer, the conduct of Final Pre-trial Conference, the hearing of plaintiff, litigant and their witnesses and the hearing of final argument shall be carried out within (330) days. The judgement shall be passed within (30) days.

8. Depending on the circumstance of each cases, the court shall, as may be appropriate, designate the duration of each phases between the filing of the case at the court and its disposition.

9. The court may amend and modify the designated case tracks and duration if there are sound reasons to do so.

Chapter (5) **Conducting Case Management Conference**

10. (a) The court shall inform both parties about the conduct of Case Management Conference with the form in Annex (A).

(b) Together with the form in Annex (A), the court shall provide the preparatory checklist for parties and lawyers with the form in Annex (B).

(c) Both parties and lawyers shall make preparation as per the form in Annex (B) before the conduct of Case Management Conference.

(d) Case Management Conference shall be recorded as per the form in Annex (C-1) and Annex (C-2) for criminal case and civil case respectively.

11. The followings shall be carried out in the Case Management Conference:

(a) to record if there is wish for settlement as per the prior engagement and negotiation between the parties and lawyers

(b) to designate the case track and time

(c) to set the date for submission of evidence to the court regarding the complaint or matters in dispute

(d) to set the date for submission of final witness lists to the court for trial

(e) to set the estimated duration needed for trial depending on the number of witnesses from both sides

(f) to set the estimated duration needed for expert's opinion and report

(g) to set the date for Pre-trial Conference and Final Pre-trial Conference

(h) to set the date for first hearing

12. During the conduct of Case Management Conference, the court shall, as per legal provision or wish of the parties, transfer the case over the mediator for mediation with designated duration in accordance with procedures.

Chapter (6)
Conducting Pre-trial Conference

13. For civil cases, court shall, after conducting Case Management Conference, conduct Pre-trial Conference with both parties and lawyers on a designated date and shall record the conference with the form in Annex (D-2) (First Section).

14. The followings shall be carried out in the Pre-trial Conference.

- (a) to record the claims for relief by plaintiff/litigants and to designate case track
- (b) to confirm by both parties if they are ready for Pre-trial Conference before the answer is filed
- (c) to set the date for the submission of issues by both parties before the answer is filed
- (d) to set the final date for the submission of answer by the litigant if it has not been filed yet
- (e) to set the date for denials
- (f) to set the date for Final Pre-trial Conference

Chapter (7)
Conducting Final Pre-trial Conference

Conducting Final Pre-trial Conference for Criminal Cases

15. (a) The Final Pre-trial Conference shall be conducted before hearings of witnesses from both sides in trial for summon hearing criminal cases. The Final Pre-trial Conference shall be conducted one time before hearing of plaintiff and his/her witnesses and shall be conducted another time separately before hearing of defendant and his/her witnesses in trial for warrant hearing criminal cases.

(b) The conduct of Final Pre-trial Conference after the conduct of Case Management Conference shall be recorded as per the form in Annex (D-1).

(c) The following shall be carried out in the Final Pre-trial Conference for plaintiff;

- (1) to record if there is wish for settlement/withdrawal
- (2) to record the presentation from plaintiff, the presentation from defendant and the action from court
- (3) to record if, before the trial starts for the plaintiff side, all the necessities are verified and completed to conduct the Final Pre-trial Conference and if all records, documents and evidences, such as expert's report, medical record, map etc are verified and completed
- (4) to set the date and time for the hearing of witnesses presented by plaintiff
- (5) to set the duration for the trial
- (6) to, if necessary, set the date and time by the court for conducting another Final Pre-trial Conference

(d) The Final Pre-trial Conference for the defendant shall be conducted after the defendant is charged or after, if the defendant requests for recall witnesses examination, the hearing of such witnesses and shall be recorded as per the form in Annex (D-1)

(e) The following shall be carried out in the Final Pre-trial Conference for defendant;

- (1) to record again if there is wish for settlement/withdrawal

- (2) to record if all the documents to be submitted by the defendant are verified and completed
- (3) to set the date and time for the hearing of witnesses presented by defendant
- (4) to set the duration for the trial for defendant side

Conducting Final Pre-trial Conference for Civil Cases

16. (a) The Final Pre-trial Conference for civil case shall be conducted after the denials is filed and shall be recorded with the form in Annex (D-2) (Second Section).
- (b) The following shall be carried out in the Final Pre-trial Conference of civil case;
- (1) to record the claims for relief by plaintiff/litigants and to designate case track
 - (2) to verify and record if both parties wish to settle, resolute and withdraw the case
 - (3) to record the presentation from plaintiff, the presentation from defendant and the action from court
 - (4) to record if, before the trial starts, all necessities are verified and completed to conduct the Final Pre-trial Conference and if all records, documents and evidences are verified and completed
 - (5) to, depending on the number of them, set the date and time for hearing the plaintiff and his/her witnesses; and set the date and time for hearing of litigant and his/her witnesses
 - (6) to set the duration of the trial and the date for the first hearing

Chapter (8)

Adjournment and Fixed date for Continuous Activities in Court's next scheduled Event

17. The parties and lawyers shall, with the exception of extraordinary importance circumstances, be responsible for the appearance before the court on the set date as per the Case Management Plan.
18. The person who files the request for absence if there is sound justification for such shall inform this to the other parties and the court (3) days in advance by using the form in Annex (E).
19. The form in Annex (F) shall not only be used to record the action of the court in each scheduled hearing as per the Case Management Plan and to record activity to be carried out for next hearing date but also be issued to both parties. Moreover, the form shall be attached in case docket.

Chapter (9)

Miscellaneous

20. In accordance with the Case Management Plan, the Case Management Conference and the Final Pre-trial Conference shall be conducted in order to hear criminal cases, while the Case Management Conference, the Pre-trial Conference and the Final Pre-trial Conference shall be conducted in order to hear civil cases.

21. The court shall set routine dates for conducting the Case Management Conferences, the Pre-trial Conferences and the Final Pre-trial Conferences as per the designated case track for criminal and civil cases.

22. In order to have the hearings as per the Case Management Plan for ongoing cases which were not part of the Case Management Plan, the Final Pre-trial Conference shall, if the conduct of Case Management Conference is not necessary, be the step to begin with both parties and lawyers invited to it by using the form in Annex (D).

23. In the trials for cases under the Case Management Plan, both parties, law officers, case documenting responsible personnel, Lawyers and concerned stakeholders of case shall be responsible for steadily and timely efficiency to dispose the case.

24. In accordance with this procedure, either failure or delay in compliance with the instruction of the court, the court shall impose order in line with laws and procedures.

25. The trials for cases under the Case Management Plan shall be carried out in compliance with the current applicable law and procedures.

(Htun Htun Oo)
Chief Justice of the Union

Letter No. 121/ 103/ PATAKHA (1808/ 2018)

Dated on 1 August 2018

To

Office of the Union Chief Justice
Justices of the Union Supreme Court
Chief Judges of the High Courts of the Region and State
Permanent Secretary, Office of the Union Chief Justice
Director General, Office of the Union Judiciary Supervision
All of the Deputy Director Generals
All of the Directors
All of the Heads of the Judicial Offices of the Region and State
All of the District Courts
All of Township Courts

CC:

Office of the Union Attorney General
Office Copy/ Float File