

RULE 37 – JUDICIAL SETTLEMENT CONFERENCE

By order

- (1) A party may request a settlement conference and a judge may order a settlement conference upon such request or on his or her own motion.

Agenda

- (2) The settlement conference judge may hold a pre-conference meeting by telephone or in person to determine the type of settlement conference to be held, the issues to be discussed and the filing of briefs.

Procedure

- (3) A settlement conference may consist of mediation, one judge's opinion or, with consent of the parties, binding arbitration.
- (4) Lawyer and instructing parties must be present at settlement conferences, which may include attendance by video or telephone where necessary and appropriate.

Disclosure of settlement offers

- (5) Lawyer or parties will be required to disclose the latest settlement offers, unless the settlement conference judge considers it inappropriate to do so.

Without prejudice

- (6) Settlement conferences are without prejudice and offers, discussion or briefs cannot be raised at trial.

Recording

- (7) The settlement conference may be recorded by the judge for his or her own use.

Settlement conference judge

- (8) The settlement conference judge shall not preside at the trial or hearing, unless the parties consent.

Documents and briefs

- (9) Documents and briefs submitted for the judge at the settlement conference shall be returned to counsel or the party by the clerk at the conclusion of the settlement conference.