

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) Prior to the settlement conference, the assigned judge will hold a case management conference by telephone or in person to discuss the process, the issues to be discussed and any timelines for the filing of briefs, filing of affidavits or giving of oral evidence.

Procedure

- (3) A settlement conference may consist of mediation, one judge's opinion and, with consent of the parties, binding arbitration.
- (3.1) Parties proceeding by binding judicial settlement conference must file the Binding Judicial Settlement Conference Agreement in Form 108A.
- (4) Lawyers 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) Lawyers 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, and discussion or briefs from settlement conferences cannot be raised at trial.

Recording

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

Orders

- (7.1) Subject to the discretion of the presiding judge, details of any settlement reached in a settlement conference shall be read into the official court record in a courtroom and take the form of a court order.

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.