

LITIGANTS' GUIDE TO JUDICIAL CASE CONFERENCES

What is a Judicial Case Conference?

A Judicial Case Conference (“JCC”) is a private, informal meeting attended by a judge or master of the Court and the parties to a family law proceeding and their lawyers (if they have lawyers). A JCC provides an early opportunity for the parties, with the assistance of a judge or master, to discuss ways in which some or all of the issues may be resolved other than by further litigation and trial. If further litigation including a trial is necessary, the JCC provides an opportunity to set a plan for the litigation that will ensure the trial is heard and a decision is made in a just, timely and cost-efficient manner.

Where does a JCC take place?

JCCs may take place in a courtroom or conference room. Because the JCC is informal, the parties and their counsel are not expected to stand to address the judge or master. The JCC will last approximately one hour and will be scheduled at a specific time. Unless the court otherwise orders, each of the parties and his or her lawyers must attend a JCC. If the court orders that a party need not attend a JCC, the party must still be readily available and accessible for consultation during the JCC either in person or by telephone.

Is a JCC confidential?

The proceedings at a JCC are confidential. Although the JCC will be recorded, none of the parties or lawyers who attend the JCC is permitted to have a copy of the recording unless the judge or master makes that order.

What happens at a JCC?

There are a number of topics that the judge or master may consider at a JCC. These are discussed below. As the JCC proceeds, the judge or master or sometimes the court clerk, will complete a Case Management Plan form. A copy of this form may be found on the court's website at the following link:

[http://www.courts.gov.bc.ca/supreme_court/practice_and_procedure/practice_directi
ons/family/FPD%20-%204%20Judicial%20Case%20Conferences%20-
%20Case%20Management%20Plan%20form.pdf](http://www.courts.gov.bc.ca/supreme_court/practice_and_procedure/practice_directi
ons/family/FPD%20-%204%20Judicial%20Case%20Conferences%20-
%20Case%20Management%20Plan%20form.pdf)

If you have not attended a JCC before, you may want to look at the Case Management Plan form along with this Litigants' Guide before the JCC, to gain a better understanding of how the JCC may proceed.

1. Identification of the issues in dispute

At a JCC, the judge or master will want to know what issues are in dispute:

	Yes	No
(a) Custody	<input type="radio"/>	<input type="radio"/>
(b) Access	<input type="radio"/>	<input type="radio"/>
(c) Spousal Support	<input type="radio"/>	<input type="radio"/>
(d) Child Support	<input type="radio"/>	<input type="radio"/>
(e) Property Division	<input type="radio"/>	<input type="radio"/>
(f) Other- specify	<input type="radio"/>	<input type="radio"/>

If there are issues that the parties agree on, the judge or master may make a consent order dealing with those. However, at a JCC, a judge or master will not make any orders on disputed issues.

2. Discussion of resolution options

At a JCC, the judge or master may consider what options there are to resolve disputed issues between the parties without recourse to a trial. These might include:

a. Settlement discussions at the JCC

The judge or master may assist the parties to pursue a settlement discussion at the JCC itself. However, circumstances vary and in some instances, it may not be appropriate for settlement discussions to occur at this stage.

b. Discussion of alternative dispute resolution option

The judge or master may also discuss alternative means of resolving the disputed issue(s) in the proceeding, including:

i. Mediation.

Mediation is a process in which a trained independent third party meets with the parties and assists them in resolving the issues in the action. With the consent of the parties, the judge or master at a JCC may refer the parties to mediation.

ii. Judicial Settlement Conference.

A judge or master at a JCC may also direct the parties to attend a judicial settlement conference. A judicial settlement conference is held before a judge or master who must, in private and without hearing witnesses, explore all possibilities of settlement of the issues that are outstanding.

iii. Preparation of a Custody and Access Report (s. 15 Family Relations Act)

The judge or master may consider whether a custody and access report should be prepared and if so, what the scope of the report should be, who should prepare it, what information the parties should give to the author of the report, when it should be completed, and what the payment arrangements should be.

iv. Summary Trial.

This is a trial conducted on the basis of affidavits rather than oral evidence. Generally, this form of trial is unsuitable when there are critical disputes as to facts. The result of a summary trial is usually a final order disposing of the matters in dispute. Occasionally it is appropriate to resolve only some of the issues by way of summary trial.

A judge or master may also give a non-binding opinion at a JCC, on the probable outcome of a hearing or trial. As well, the judge or master may direct the parties to attend a further JCC at a specified date and time.

3. Trial Management and planning

At a JCC, the judge or master may take some steps in relation to planning and management of the trial. Even though the majority of cases do not go to trial, making planning decisions at an early stage in the process helps to keep the whole of the process structured and focussed.

a. Reserving a Trial Date

The judge or master may direct that a specific date be reserved for the trial of the family law case.

b. Setting a Date for the Trial Management Conference

The judge or master may also set a date for the trial management conference, typically 28 days before trial.

c. Pre-Trial Procedures

i. Disclosure

The judge or master may consider if there are outstanding disclosure issues and whether any of the following orders are required:

- The plaintiff to deliver a list of documents by a specific date: (Rule 7-1(15)(i))
- The defendant to deliver a list of documents by a specific date: (Rule 7-1(15)(i))
- Date by which amended Form F8 financial statements be exchanged.
- Discovery procedures be limited: (Rule 7-1(15)(i))

ii. Other Pre-Trial Orders

The judge or master may ask about other steps in the proceeding, and may consider whether any of the following orders are required, and if so, by what date?

- The pleadings be amended or closed by a specific date: (Rule 7-1(15)(g))
- Examinations for discovery be conducted by a specific date: (Rule 7-1(15)(j))
- Notice to Admit completion Date: (Rule 9-6)
- Property Division Schedule (Scott Schedule) be exchanged including information as to the assets that are family assets, the value of each family asset, the proposed method of valuation for assets.
- Experts reports, if they are to be obtained, be exchanged by specific dates: (Rule 7-1(15)(s))
- Any offers to settle be completed by specific dates: (Rule 11-1)
- The parties attend a Settlement Conference by a specific date: (Rule 7-1(15)(s))

4. Parenting after Separation

Where appropriate, the judge or master may make a direction at a JCC requiring the parties to attend a Parenting After Separation Course (operated by Justice Services Branch, Ministry of Attorney General). The parents participate in this course separately and there is no cost to attend.

5. Setting a Date of Interlocutory Application(s)

At a JCC, the judge or master may also set a date for interim application(s) and may make directions to ensure that the application(s) is/are ready to proceed on the date set for hearing.