

Family Law Bench and Bar Communiqué – Fall 2017

Summary of September Family Law Trial Sitings

Number of Cases on Sept FLA Trial list	55
Cases Settled	22
Cases that proceeded to Trial	11
Cases adjourned, or removed from list	7
Adjournments to November 27, 2017 sittings	5
Adjournments to January 15, 2018 sittings	10

Of the 55 cases on the trial list, 23 litigants were self-represented
There are currently 41 cases on the November 27, 2017 trial list, 39 cases on the January 15, 2018 trial list, 26 cases on the May 14, 2018 trial list and 9 cases on the September 24, 2018 trial list.

Use of Confirmation Forms

Counsel are reminded that parties are required to *serve* their Confirmation forms on all opposing parties as well as faxing the Court, a minimum of two days before the Court Hearing. Also, it would be greatly appreciated by the Judiciary if these forms are completed in a manner that provides the presiding Justice with a synopsis of the issues remaining in dispute and that will be addressed at the Conference or Motions. Simply directing the Justice or Master to the relevant Tabs in the Continuing Record is not helpful.

Confirmation forms should be updated as necessary and faxed to the Trial Coordinator to advise the Justice of the resolution of any issues on a Motion or Conference. This should be done as soon as possible, and forms can be faxed to the Trial Coordinator's Office during the evenings and on weekends.

Trial Endorsement Form

Counsel are reminded that the Trial Endorsement Form is to be filed in the Trial Record. It is expected that this form will be updated prior to trial and that any amendments will be made and filed prior to the Assignment Court where that matter will be spoken to.

Draft Orders to be filed at the beginning of all Family Law Trials

Counsel are now expected to hand up to the Judge at the beginning of trial a memory stick containing the draft order of the specific relief they are seeking.

Correction of Court Order

Justice Shelston has prescribed the following practice regarding the process to Correct a Court Order. Please [click here](#) for this direction.

Mediation

Counsel are reminded that two hours of free Mediation in Family Law Matters is provided at the Family Law Information Centre for any matter on the docket that day. Parties can attend with or without counsel. A report will be prepared by the mediator at the end of the session for court use.

Also, the Ministry will provide 6 hours of off-site mediation for families scaled to the parties' income and number of dependents. This can be booked through the Family Law Information Centre at 613 239 1274.

Roster mediators come from a mental health background, and are well suited to custody and parenting issues, and may also be members of the Bar, but if there are legal issues such as spousal support and equalization, parties should ask for a mediator with a legal background.

For more information including the standard mediation agreement and user fee schedule, please contact Michael Kushnir at 613 237 1801 or email him at kwmediation@gmail.com

Mediation Available for Legal Aided clients

Counsel are also reminded that if a party is legally aided, a free mediator is available through Legal Aid Ontario at 73 Albert Street, Ottawa, Ontario. The mediator is Marie-France Theriault. Mediations are available in both English and French. Mediation is available in both domestic matters as well as child

protection matters. The coordinator of the Ottawa mediation program at Legal Aid Ontario is Kirsten Wahl [613-238-7931 ext. 42].

MacGillivray, Maureen (JUD)

To: Shelston, Mr. Justice Mark (SCJ)
Cc: McKinley, Kimberly (JUD); Blackman, Marlene (MAG)
Subject: Current Date Availability for Family and Child Protection Branches

Good Morning – The following is the current date availability for the Family and Child Protections Branches:

FAMILY BRANCH:

Case Conferences – 16 weeks
FCDC – 8 weeks
Settlement/Trial Management Conferences – 14 weeks
Short Motions – 11 weeks
Long Motions – 15 weeks
Trials – September 24, 2108

CHILD PROTECTION:

Conferences – 3 weeks
Motions – 6 weeks
Registrar's Court – Every day except Friday
Trials less than five days – 5 weeks
Trials greater than five days – 5 weeks

Thanks,

Maureen

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