

Family Law Bench and Bar Communique Winter 2018

[Trial Records and Trial Scheduling Endorsement Forms](#)

Justice Shelston reported that, despite his specific direction at the November Assignment Court, many matters proceeded to Trial in December **and January** without completed Trial Scheduling Endorsement Forms. Also, many Counsel did not provide at the commencement of trial a draft Order of the relief they were requesting at Trial. There is also an issue with Counsel not filing the Trial Record 30 days in advance in accordance with Rule 23(1). Counsel are reminded of their obligations in this regard and their cooperation is both expected and appreciated.

[Trial Management Conferences](#)

Justice Shelston wishes to draw Counsel's attention to the Consolidated Practise Direction effective May 1, 2016 (relevant portions attached). It provides that a Trial Management Conference should be held in all family cases that have not resolved at the settlement conference to ensure Trial readiness.

As a result of this Direction, the Trial Management Conference Brief (Form 17E) is no longer required and, instead, the following documents must be filed at the Trial Management Conference:

- i) Trial Scheduling Endorsement Form (by either the Applicant or the party who requested conference)
- ii) Each party must file an offer to settle on all outstanding issues;
- iii) Each party must file an outline of their opening statement for Trial.

The completed Trial Scheduling Endorsement form must then be filed in the Trial Record.

[First Court Date Case Conferences \(FCDC\)](#)

Counsel are reminded of the Practice Direction issued by Justice Mackinnon on January 11, 2016 that such Conferences will only proceed if both parties have filed Case Conference Briefs of no more than 4 pages *in advance*, in accordance with the Rules. (copy attached). The Case Conference is restricted to 15 minutes where Orders can be made on consent, procedural issues can be addressed, or an opinion given on legal issues. Some counsel have been using the FCDC to skip the regular Case Conference process and not filing Briefs in advance. This will no longer be allowed.

[Private Settlement Conferences](#)

Counsel are reminded that Private Settlement Conferences may be conducted in Family Law Matters (pursuant to Rule 17(8) s by lawyers or retired lawyers, who have 10 years of experience in the practice of family law. Such Conferences may also be conducted by retired Masters or retired Judges. The required Form is on the CCLA Family Law Portal.

[What you Need to Know about Filing Documents at the Family Law Counter](#)

Ottawa was selected for a **pilot project with regard to Divorce Applications**; Counsel will **no longer need to file the CPRD form to obtain Clearance Certificate**; instead counter staff will enter the information from the Application; this is expected to reduce the response time from the Divorce Registry from 6 weeks to 21 days.

Court Services will **no longer provide the original Court Order**; instead Counsel will receive **certified copies**. This is to facilitate the Counter's ability to issue certified copies of Orders.

2 pm call for documents. Only documents which do not form part of Continuing Record (briefs, facta, authorities) will be accepted at last call. All other documents, including documents necessary to file Case Conferences (Answer, Financial Statement etc) must already be filed in the Continuing Record.

USB Keys: Counsel are seeking to file documents (eg/ exhibits for affidavits) on USB keys or CDs. Anyone who has filed documents in this manner will have them kept in the file (but will not be released to any party), but **no further documents will be accepted by USB key or CD.**

Family will be instituting a policy similar to civil with respect to Facta and Books of Authorities. Counsel can request to have them returned or they will be destroyed 30 days after the hearing.