

Case Conference Template

1. The case conference should, in general, be scheduled after sufficient disclosure has been made to allow for meaningful discussions.
2. At the case conference, it should be confirmed that the parties have complied with the financial disclosure direction. If they have not, why not? Is the conference premature? Have the parties committed to a timetable to complete the necessary outstanding disclosure?
3. Determine whether any additional disclosure order is required and if so, a detailed order should be made, including a timetable for completion.
4. Identify the issue(s) in the case and:
 - determine whether the issue(s) in the case can properly be determined on a final basis by a motion and, if so, direct a settlement conference and motion date, factums and time for filing;
 - If this is a motion to change, schedule an early neutral evaluation date with a master, to occur after the time for responding has elapsed.
 - determine whether this is a high conflict case, likely to go to trial and, if so, assign the case to an appropriate trial sittings; or
 - in other cases, determine a date by which the parties should be ready for a settlement conference and direct that a date be obtained within a two month range of that date.
5. Other issues:
 - Have the parties attended the mandatory information sessions and if not, an order to do so should issue.
 - Have the parties recently attended mediation and if not, is this a suitable case for mediation of some or all of the issues? If so, an order for a referral to mediation should issue.
 - Is an OCL appointment appropriate and can the order be made on consent?
6. Prepare a timetable with the parties that will set out what needs to be done on the file, by whom and by when. As an example:

- documentary productions to be completed by _____;
- oral questioning to be conducted of _____ on issue for _____ hours, to be completed by _____;
- business valuation required of x company by _____, to be completed by _____;
- custody and access assessment to be conducted by _____, to be completed by _____;
- pension valuation to be obtained by _____ by date.

Extend the timetable now and provide that no NAD is to issue until a date after the expected completion date for the case.

7. Find out what substantive interim issue(s) are in dispute and make recommendations to settle them or, if the parties are not ready to resolve any interim issue(s), determine when they will be and require a further case conference for the purpose of endeavouring to settle them. Only if the issue(s) are urgent should this step be waived in favour of a motion. If there is going to be a motion, determine time and consider factums.
8. Opposed temporary orders can be made if evidence is available (affidavits or financial statements), e.g. child support and access.
9. Non disputed issues, such as an interim custodial situation, or an access pattern in existence should be put into a consent order at the Case Conference stage, to prevent minor subsequent issues leading to a motion.

Settlement of disputed issues on a temporary basis should be encouraged by terms of an order made without determination of the merits and to be in force until an order is made on motion or at trial.