

EVALUATION OF THE OTTAWA FAMILY CASE MANAGER PILOT PROJECT-

YEAR ONE

INTRODUCTION

In August 2005, faced with unacceptable time delays in scheduling court appearances, a group of Ottawa family lawyers formed a small committee and worked to identify problems and provide constructive solutions.

A report, entitled, “The Family Court in Crisis” was prepared and presented at the Carleton County Law Association Civil Litigation Conference at Montebello in November 2005.

The report identified two major factors contributing to the backlog in the Family Court. The first was the shortage of federally appointed judges and the second was the use of existing judges to perform many of the procedural steps in family law cases. To address the second problem, the report recommended the creation of the position of Family Case Manager and further proposed that the recommendation should be tested by way of a pilot project in Ottawa.

After extensive negotiations, Rule 42 of the Family Law Rules was passed and the Ottawa Family Case Manager Pilot Project (“the Pilot Project”) commenced in June 2007. The term of the Pilot Project has been set for three years. In Rule 42 the Family Case Manager is defined as a person appointed under s.86.1 of the *Courts of Justice Act* as a case management master who is assigned to manage cases for the purposes of the rule.

The purpose of this report is to evaluate the Pilot Project after its first year of operation.

This report has been prepared by the Evaluation Sub-committee of the Family Bench and Bar Committee in Ottawa, consisting of Jane Murray, Lise Parent, Julie Audet and Justice Jennifer Mackinnon.

The Evaluation Sub-Committee would like to acknowledge the invaluable assistance provided by Angela Carruthers in the preparation of this report and thank her for her contributions.

OBJECTIVES OF PILOT PROJECT

The objectives of the Pilot Project were to address the concerns that were identified in “The Family Court in Crisis”.

These concerns were:

1. Unacceptably long wait times for Case Conferences, Motions, Settlement Conferences and Trial dates for Family law matters
2. Absence of sufficient judicial resources
3. Absence of a true case management system
4. Absence of early judicial intervention as contemplated by the Family Law Rules

EVALUATION METHODOLOGY

The following methodologies have been adopted for the purpose of evaluating the Pilot Project:

1. Collection and analysis of questionnaires to be completed by members of the Bar on an annual basis
2. Collection and analysis of questionnaires to be completed by the Masters on an annual basis
3. Collection and analysis of questionnaires to be completed by members of the Bench on an annual basis
4. Comparison of scheduling of various court events in Ottawa before the commencement of the Pilot Project with the scheduling of the same events in Ottawa during the term of the Pilot Project
5. Anecdotal evidence collected at Town Hall Meeting and from comments in questionnaires.

2008 QUESTIONNAIRES COMPLETED BY MEMBERS OF THE BAR

A copy of the questionnaire completed by members of the bar in June 2008, after one year of the Pilot Project, is attached as Schedule A.

A total of 49 questionnaires were completed and submitted.

The results are summarized on the chart found at Schedule B.

Description of Practice of Respondents

The respondents were evenly distributed amongst junior and senior practitioners with roughly 40 % of the respondents having been in practice less than 10 years and roughly 45% of the respondents having been in practice for more than 15 years. The remaining respondents had been in practice for between 10 and 15 years.

More than 83 % of the respondents reported that family law made up more than 50% of their practice and close to 60 % of the respondents reported that family law made up more than 75 % of their practice.

Most of the respondents reported that child protection, enforcement and mediation made up less than 25% of their practices. Only 4 to 12% of the respondents reported that any of these areas made up more than 25% of their practice. Over 18% of the respondents reported that they did not practice in these areas at all.

More than half of the respondents reported that more than one half of their cases require and court action or application.

Only 34% of the respondents reported that they practiced in the French language. Of those, the majority reported that less than 25% of their practice was conducted in French.

To summarize, the respondents to the survey represented a broad range of experience, were primarily English speaking and devoted the majority of their practice to family law, but not in the areas of child protection or enforcement.

Description of Experience with the Family Case Manager

More than 75% of the respondents reported that 25% or more of their appearances for Case Conferences, Settlement Conferences or Procedural motions had been before the Family Case Manager since the inception of Rule 42. About 20 % of the respondents reported that they had appeared before the Family Case Manager less than 25 % of the time.

More than 75% of the respondents reported that they felt the introduction of the Family Case Manager had reduced delays in obtaining court dates.

There is some correlation between the frequency of appearance before the Master and the reporting of reduced delays as illustrated in the chart below. In general, those who appeared more often before the Master were more likely to report a reduction in delays.

Percentage of appearances before Master	Reduced delays	Has not reduced delays	Did not answer	Percent Suggesting Reduced Delays
Less than 25% (10)	5	1	4	50%
25% - 50% (22)	18	3	1	81%
50% - 75% (10)	9	0	1	90%
More than 75% (7)	5	1	1	83%

The respondent's were almost evenly divided on the question of whether the introduction of the Family Case Manager had resulted in reduced costs for their clients and were similarly almost evenly divided on the question of whether they had observed an increased settlement rates on interim or procedural matters. The number who responded "yes" to these questions was slightly higher than the number who responded "no". The correlation between frequency of appearance before the Master and reporting of reduced costs is not as clear as the correlation with reduced delay, as illustrated in the chart below:

Percentage of appearances before Master	Yes	No	Did not answer	Percent saying Yes
Less than 25% (10)	1	3	6	1%
25% - 50% (22)	11	11	0	50%
50% - 75% (10)	4	3	3	40%
More than 75% (7)	4	2	1	57%

A majority of the respondents indicated that they had not observed any increase in the rate of final settlements. A similar majority reported that they had observed greater consistency in procedural rulings. This is likely a reflection of the fact that the Masters are currently doing most of the Case Conferences and procedural motions in Ottawa.

The majority of respondents reported increased accessibility to judges for matters that were not in within the jurisdiction of the Family Case Manager.

The majority of the respondents indicated that the Family Case Manager's jurisdiction in child protection matters, enforcement matters and other family matters should be expanded. A number of respondents specifically noted that the Family Case Manager should have jurisdiction to request the involvement of the Office of the Children's Lawyer.

Almost 65% of the respondents supported the introduction of court ordered mediation. Of those that did not support court ordered mediation, some stated that it was particularly not appropriate in cases of family violence. Similarly, of those that did support court ordered mediation, some specified that an exception should be made in cases of family violence. There is an interesting, direct correlation between years of practice and support for court ordered mediation, with the support increasing with years of practice, as noted in the chart below:

Support for Mandatory Mediation Correlated with Years of Practice

Duration of Practice	Support Mandatory Mediation	Do not Support Mandatory Mediation	Percent saying Yes
0-5 years (11)	6	5	55%
5-10 years (22)	11	11	50%
10-15 years (6)	4	2	67%
15-20 years (11)	8	3	73%

Over 20 years (12)	10	2	83%
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More than 77% of the respondents indicated that less than 25% of their family law clients attended Parent Information Sessions and a similar percentage of the respondents supported the introduction of mandatory Parent Information sessions for litigants in custody or access disputes.

More than 78% of the respondents felt that the Family Law Information Centre is assisting in the delivery of efficient services for family litigants.

2008 QUESTIONNAIRES COMPLETED BY MEMBERS OF THE BENCH

A copy of the questionnaire completed by members of the Superior Court of Ontario in October 2008, is attached as Schedule C.

A total of 15 questionnaires were completed and submitted at a time when there were 22 full time sitting judges of the Superior Court of Ontario.

The results are summarized on the chart found at Schedule D.

Background

Four of the respondents reported that they spend more than 75% of their sitting time in Family Court. This is consistent with the fact that there are 4 Family Court judges in Ottawa. Of the remaining respondents, 5 spent less than 25% percent of their sitting time in Family Court and 6 spent between 25% and 50% of their sitting time in Family Court.

The respondents generally reported that they spent more of their sitting time in Family Court on motions and settlement conferences and less of their sitting time on Case Conferences, procedural motions and trials.

Of the time spent in Family Court, most respondents reported that at least half of it was in Ottawa. Eight respondents reported that more than 75% of the time they sat in Family Court was in Ottawa.

Impact of Family Case Manager in Ottawa

The majority of the respondents reported that since the introduction of the Family Case Manager in Ottawa they have observed that the litigants are better prepared for Case Conferences and Settlement Conferences. Most respondents reported that they do not have any additional time available to individually case manage family cases, but they are spending less time on non-judicial or procedural matters.

A very large majority of the respondents reported that the introduction of the Family Case Manager in Ottawa had reduced delays in obtaining court dates and had increased the rate of

settlement in interim/procedural matters. A smaller majority also felt that there was a reduction in the costs which was associated with the Family Case Manager's ability to case-manage cases, an increase in final settlements, greater consistency in procedural rulings and increased accessibility to judges for matters not within the jurisdiction of the Family Case Manager. The majority of the respondents could not say whether there was also increased accessibility to the judiciary for bilingual litigants.

Jurisdiction of the Family Case Manager in Ottawa

Three of the respondents indicated that they had been asked to over rule or vary an order of the Family Case Manager. Nine of the respondents have referred a case to the Family Case Manager for case management or a reference.

All but two of the respondents supported expanding the jurisdiction of the Family Case Manager in child protection, enforcement and other family matters. Three of the respondents specifically noted that the Family Case Manager should be able to request the involvement of the Office of the Children's Lawyer in appropriate cases.

Court-Ordered Mediation

All but two of the respondents supported the introduction of court ordered mediation in family law matters.

Continuation of the Pilot Project

All of the judges responding to the questionnaire stated that the Pilot Project should be continued beyond its current three year term.

2008 QUESTIONNAIRES COMPLETED BY MASTERS

A copy of the questionnaire completed by the Masters in October 2008, is attached as Schedule E.

Both of the Masters sitting in Ottawa completed and submitted the questionnaire. The results are summarized below.

Administration

The Masters combined to sit for over 150 days hearing Family Law matters in the first year of the Pilot Project.

They combined to hear more than 200 case conferences and less than 100 settlement conferences. They also heard over 150 procedural motions.

Jurisdiction

The types of procedural motions heard by the Masters included:

- substituted service
- removing counsel from the record

- Amending pleadings
- Amending the Continuing Record
- Extension of time
- Setting aside dismissals arising as a result of Notice of Approaching Dismissal under Rule 39
- Leave to bring motion without a Case Conference
- Disclosure
- Access to records

The Masters also heard some substantive motions, generally in the context of a case managed proceeding. These motions included:

- ex parte motion for interim custody
- request to strike Answer
- Summer access
- Christmas access

The Masters reported that very few counsel questioned their jurisdiction, but they were often asked to appoint the Office of the Children's Lawyer or sever a divorce which they cannot currently do under Rule 42.

Both Masters commented on the difficulty reading and understanding Rule 42 and suggested it could and should be simplified.

The Masters reported that they combined to case manage 30 to 40 cases at the request of counsel and another 6 cases as a result of a specific order of a judge.

Scheduling

The Masters are currently sitting alternate weeks in Civil and Family Court and this appears to be effective.

Service Delivery

Both Masters reported reduced delays in obtaining court dates, reduced costs for litigants, increased settlement rates on interim/procedural matters, increased rate of final settlements, greater consistency in procedural rulings, increased accessibility to judges for matters outside their jurisdiction and increased accessibility to the judiciary for bilingual matters.

Scope of Rule 42

Neither Master supported expanding their jurisdiction in child protection cases. Both Masters supported expanding their powers in Enforcement matters and Family Law matters so that they had powers analogous to those they have in civil matters. Both commented on the desirability of being able to appoint the Office of the Children's Lawyer in appropriate cases.

Mediation

Both Masters strongly supported the introduction of court ordered mediation in Family Law matters and expressed the view that issues relating to power imbalances and abuse could be dealt with by use of appropriate screening techniques.

Continuation of the Pilot Project

Both Masters supported the continuation of the Pilot Project beyond June 2010.

COMPARISON OF SCHEDULING IN OTTAWA BEFORE PILOT PROJECT

Family

When "The Family Court in Crisis" was written, in October 2005, the waiting times for court events in Family Matters were as follows:

Case Conferences	11 weeks
Motions	10 weeks
Settlement Conferences	21 weeks
Trials	13 months

In June 2008, after the Pilot Project had been in operation for a period of approximately one year, the waiting times were as follows:

Case Conferences	1 week
Motions	1 week
Settlement Conferences	10 weeks
Trials	8 months

Child Protection

When "The Family Court in Crisis" was written, in October 2005, the waiting times for court events in Child Protection Matters were as follows:

Case Conferences	5 weeks
Motions	4 weeks

Trials 4 months

In June 2008, after the Pilot Project had been in operation for a period of approximately one year, the waiting times were as follows:

Case Conferences	1 week
Motions	1 week
Settlement Conferences	10 weeks
Trials – less than 5 days	1 week
More than 5 days	3 months

GENERAL COMMENTS

As noted above, all of the judges who responded to the questionnaire and both Masters endorsed the continuation of the pilot project. The lawyers were not specifically asked whether they felt that the pilot project should continue, but in general, their responses and comments reflect strong support for the continuation of the project. Those who took time to provide general comments or feedback stated that Family Case Manager should be a permanent component of the Family Court, with an expanded jurisdiction. There were no general comments suggesting the project has not been a success or should be terminated.

In addition to the questionnaire results, a Town Hall Meeting was held on April 22, 2008, to which lawyers were invited to share their views of the success or failure of the pilot project. Those who attended the Town Hall meeting were unanimous in reporting that the project was a success and should be continued beyond its three year term.

CONCLUSION AND RECOMMENDATIONS

In its first year, the Pilot Project has been declared a success by the lawyers representing the litigants, the judges and the Masters, both anecdotally and in the questionnaire results.

Wait times for all events have been significantly reduced.

Existing judicial resources are being used more efficiently.

There is increased accessibility to judges for matters that were not in within the jurisdiction of the Family Case Manager.

There are more opportunities for case management, by the Masters as referred by the judges.

Early judicial intervention as contemplated by the Family Law Rules is more possible than it was prior to the introduction of the Pilot Project.

To date recommendations for improvement include:

1. Increasing the jurisdiction of the Family Case Manager to include the appointment of the Office of the Children's Lawyer.
2. Simplifying the drafting and structure of Rule 42 so that it is more easily understood
3. Consider the introduction of court ordered referral to mediation.

Monitoring should continue on an annual basis for the balance of the term of the Pilot Project.

SCHEDULE A

QUESTIONNAIRE FOR LAWYERS

Re: Family Case Manager Pilot Project

Please describe your practice

1. How long have you been practicing?

- 0 to 5 years
- 5 to 10 years
- 10 to 15 years
- 15 to 20 years
- over 20 years

2. What percentage of your practice is dedicated to family law?

- less than 25%
- 25% to 50%
- 50% to 75%
- I practice exclusively or almost exclusively in family law

3. What percentage of your family law practice is dedicated to;

- ____% Child protection matters under the *Child and Family Services Act*
- ____% Enforcement matters (under the *Family Responsibility and Support Arrears Enforcement Act*) / Representation of children (Office of the Children's Lawyer)
- ____% Mediation / Arbitration

4. What percentage of your family cases require a court action/application?

- less than 25%
- 25% to 50%
- 50% to 75%
- more than 75%

5. What percentage of your family practice is in the French language?

- I do not practice in French
- less than 25%
- 25% to 50%
- 50% or more

Describe your experience with the Family Master

6. Since the introduction of Rule 42 and the Family Master Pilot Project in Ottawa (in June 2007*), what percentage of the Case Conferences / Settlement Conferences / Procedural Motions you participated in have been before a Family Master?

- less than 25%
- 25% to 50%
- 50% to 75%
- more than 75%

7. Do you feel that the introduction of the Family Master has altered the delivery of services to family clients in the following aspects:

- | | | | | | |
|----|---|--------------------------|-----|--------------------------|-----|
| a. | reduced delays in obtaining a court date? | <input type="checkbox"/> | no | <input type="checkbox"/> | yes |
| b. | reduced costs associated with Family Master's ability to "case manage" court actions? | <input type="checkbox"/> | yes | <input type="checkbox"/> | no |

- c. increased settlement rates on interim/procedural matters? yes no
- d. increased rate of final settlements? yes no
- e. greater consistency in procedural rulings? yes no
- f. increased accessibility to judges (for matters that are not within the jurisdiction of the Master)? yes no
- g. increased accessibility to judiciary for bilingual litigants? yes no I do not practice in French

8. h. Any other aspects? (Please describe)
 Would you support expanding the Family Master’s jurisdiction (powers) in the following areas:

- a. Child protection (CFSA)? yes no

Are any additional powers necessary for the Family Master to effectively deal with these matters?

- b. Enforcement matters (FRSAEA)? yes no

Are any additional powers necessary for the Family Master to effectively deal with these matters?

- c. Other Family Law matters (FLA, DA, CLRA)? yes no

Are any additional powers necessary for the Family Master to effectively deal with these matters?

Miscellaneous

9. Would you support the introduction of court ordered mediation in Family Law?

- yes
 no

Please indicate why or why not:

10. What percentage of your family law clients attend the Parent Information Sessions?

- less than 25%
 25% to 50%
 50% to 75%

11. Would you support the introduction of a mandatory Parent Information Session for litigants who file an application in which custody and access are in issue?

- yes
 no

Please indicate why or why not:

12. Do you feel that the Family Law Information Center (FLIC) is assisting in the efficient delivery of services to family litigants?

- yes
- no

Please indicate why or why not:

General Feedback

13. Do you have any suggestions or comments regarding the Family Case Manager Pilot Project in Ottawa?

SCHEDULE B**Summary of Responses****in Questionnaires Completed by Members of the Bar**

QUESTION	RESPONSES			
1. How long have you been practicing?	0 - 5 years - 11 5 - 10 years - 9 10 – 15 years - 7 15 – 20 years - 11 20+ years - 11			
2. What percent of your practice is Family Law?	Less than 25% - 1 25% - 50% - 6 50% - 75% - 12 75% + - 29			
	Less than 25%	25% - 50%	50% - 75%	75% +
3. What percent of your practice is: <ul style="list-style-type: none"> • Child Protection • Enforcement • Mediation 	43 47 45	4 2 4	2 0 0	0 0 0
4. What percent of your cases require court action/application?	7	14	22	5
5. What percent of your practice is in the French language?	9	4	2	32

6. What percent of Case Conferences/Settlement Conferences/ Procedural Motions have been before Family Case Manager?	10	21	10	7
	YES		NO	N/A
7. Do you feel that the introduction of the Family Case Manager has altered the delivery of services to Family clients in the following respects:				
(a) reduced delays in obtaining court dates?	37		6	
(b) reduced costs associated with the Family Case Managers' ability to "case manage"?	21		20	
(c) increased settlement rates on interim/procedural matters?	23		18	
(d) Increased rate of final settlements	11		26	
(e) Greater consistency in procedural ruling?	26		11	
(f) Increased accessibility to judges?	25		12	

	YES	NO	N/A
(g) Increased accessibility to judiciary for bilingual litigants?	8	2	32
	YES	NO	
8. Would you expand the Family Case Manager's jurisdiction in the following areas:			
(a) Child protection	26	8	
(b) Enforcement	33	3	
(c) Other Family Law Matters	35	6	
9. Would you support the introduction of court-ordered mediation in Family Law?	31	17	
10. What percent of your family law clients attend the Parent Information sessions?	Less than 25% -	38	
	25% - 50% -	7	
	50% - 75% -	2	
	YES	NO	
11. Would you support the introduction of a mandatory Parent Information Session for litigants?	37	11	

	YES	NO	NO RESPONSE
12. Do you feel that the Family Law Information Centre (FLIC) is assisting in the efficient delivery of services to family litigants?	36	6	4

SCHEDULE C

QUESTIONNAIRE FOR JUDGES

Re: Family Case Manager Pilot Project

Background

1. Over the past year, what percentage of your sitting time has been in Family Court?
 0 – 25%
 25% - 50%
 50% - 75%
 more than 75%

2. Of the time you have been sitting in Family Court, approximately what percentage of that time was spent doing:

____ % Case Conferences

____ % Motions

____ % Settlement Conferences

____ % Trials

____ % Procedural Matters

3. Over the past year, of the time you have been sitting in Family Court, approximately what percentage of that time was:

____ % in Ottawa

____ % outside Ottawa

Impact of Family Case Manager in Ottawa

4. Over the past year, while sitting in Family Court in Ottawa, have you seen:

(a) Any difference in the level of preparedness of litigants for Case Conferences or Settlement Conferences?

Yes

No

Please explain:

(b) Any difference in the time available to you to individually case manage some cases?

Yes

No

Please explain:

(c) Any difference in the time you are required to spend on non-judicial or procedural issues?

Yes

No

Please explain:

5. In your experience has the introduction of the Family Case Manager altered the delivery of services to family clients in the following aspects:

- (a) reduced delays in obtaining a court date? yes
 no
 cannot say
- (b) reduction in costs associated with Family Case Manager's ability to "case manage" court actions? yes
 no
 cannot say
- (c) increased rate of settlements on interim/procedural matters? yes
 no
 cannot say
- (d) increased rate of final settlements? yes
 no
 cannot say
- (e) greater consistency in procedural rulings? yes
 no
 cannot say
- (f) increased accessibility to judges (for matters that are not within the jurisdiction of the Family Case Manager)? yes
 no
 cannot say
- (g) increased accessibility to judiciary for bilingual litigants? yes
 no
 cannot say

Jurisdiction of Family Case Manager

6. Over the past year, while sitting in Family Court in Ottawa, have you been asked to overrule or vary any Order of the Family Case Manager?

- 1-5 times
- More than 5 times
- Never

7. Have you had occasion to refer a case to the Family Case Manager for case management or a reference?

- 1-5 times
- More than 5 times
- Never

8. Would you support expanding the Family Case Manager's jurisdiction (powers) in the following areas:

- (a) Child protection (CFSA)? yes
 no

If yes, what additional powers would you recommend for the Family Case Manager?

- (b) Enforcement matters (FRSAEA)? yes
 no

If yes, what additional powers would you recommend for the Family Case Manager?

- (c) Other Family Law matters (FLA, DA, CLRA)? yes
 no

If yes, what additional powers would you recommend for the Family Case Manager?

Miscellaneous

9. Would you support the introduction of court ordered mediation in Family Law?

- yes
- no

Please indicate why or why not?

General Feedback

10. Based on your experience to date, should the Pilot Project be continued beyond June 2010?

- yes
- no

11. Do you have any suggestions or comments regarding the Family Case Manager Pilot Project in Ottawa?

SCHEDULE D**Summary of Responses****in Questionnaires Completed by Members of the Bench**

QUESTION	RESPONSES			
	0 - 25%	25% - 50%	50% - 75%	More than 75%
1. What percent sitting time is in Family Court?	5	6		4
2. What percent of your time is spent doing:				
• Case Conferences	11	4		
• Motions	6	9		
• Settlement Conferences	5	10		
• Trials	13	2		
• Procedural Motions	14	1		
3. Of time spent in Family Court, what percent				
• In Ottawa		5	2	8
• Outside Ottawa	8	7		

Impact of Family Case Manager in Ottawa													
		YES		NO									
4. Over the past year, while sitting in Family Court in Ottawa, have you seen:		<table border="1"> <thead> <tr> <th>More</th> <th>Less</th> </tr> </thead> <tbody> <tr> <td>10</td> <td></td> </tr> <tr> <td>1</td> <td></td> </tr> <tr> <td></td> <td>9</td> </tr> </tbody> </table>		More	Less	10		1			9		
	More	Less											
	10												
	1												
	9												
(a) a difference in the level of preparedness of litigants for Case Conferences or Settlement Conferences?				4									
(b) A difference in time available to individually case manage some cases?				10									
(c) A difference in time spent on non-judicial or procedural issues?				6									
		YES		NO	CANNOT SAY								
5. Has the introduction of Family Case Manager altered the delivery of services in the following respects:													
(a) Reduced delay in obtaining court dates?	12				3								
(b) Reduction in costs associated with Family Case Manager's ability to "case manage"?	8				7								

	YES	NO	CANNOT SAY
(c) Increased rate of settlement on interim/procedural matters?	10		5
(d) Increased rate of final settlements	8		7
(e) Greater consistency in procedural rulings?	9		6
(f) Increased accessibility to judges for matters not within the jurisdiction of Family Case Manager?	9		6
(g) Increased accessibility to judiciary for bilingual litigants?	4		11
JURISDICTION			
	1 – 5 times	More than 5 times	Never
6. Have you been asked to overrule or vary order of Family Case Manager?	3		12
7. Have you referred case to Family Case Manager for case management or a reference?	6	3	6

	Yes	No
<p>8. Would you support expanding Family Case Manager's jurisdiction in the following areas:</p> <ul style="list-style-type: none"> • CFSA • Enforcement • Other Family Law Matters <p>* Referring cases to OCL</p>	<p>12</p> <p>14</p> <p>12</p> <p>3</p>	<p>2</p> <p>2</p>
<p>9. Would you support introduction of court ordered mediation in Family Law matters?</p>	12	<p>2</p> <p>(1 not sure)</p>
<p>10. Should Pilot Project be continued beyond June 2010?</p>	14	

SCHEDULE E

QUESTIONNAIRE FOR JUDGES

Re: Family Case Manager Pilot Project

Background

7. Over the past year, what percentage of your sitting time has been in Family Court?
- 0 – 25%
- 25% - 50%
- 50% - 75%
- more than 75%
8. Of the time you have been sitting in Family Court, approximately what percentage of that time was spent doing:
- ____ % Case Conferences
- ____ % Motions
- ____ % Settlement Conferences
- ____ % Trials
- ____ % Procedural Matters
9. Over the past year, of the time you have been sitting in Family Court, approximately what percentage of that time was:
- ____ % in Ottawa
- ____ % outside Ottawa

Impact of Family Case Manager in Ottawa

10. Over the past year, while sitting in Family Court in Ottawa, have you seen:

(a) Any difference in the level of preparedness of litigants for Case Conferences or Settlement Conferences?

Yes

No

Please explain:

(b) Any difference in the time available to you to individually case manage some cases?

Yes

No

Please explain:

(c) Any difference in the time you are required to spend on non-judicial or procedural issues?

Yes

No

Please explain:

11. In your experience has the introduction of the Family Case Manager altered the delivery of services to family clients in the following aspects:

- (a) reduced delays in obtaining a court date? yes
 no
 cannot say
- (b) reduction in costs associated with Family Case Manager's ability to "case manage" court actions? yes
 no
 cannot say
- (c) increased rate of settlements on interim/procedural matters? yes
 no
 cannot say
- (d) increased rate of final settlements? yes
 no
 cannot say
- (e) greater consistency in procedural rulings? yes
 no
 cannot say
- (f) increased accessibility to judges (for matters that are not within the jurisdiction of the Family Case Manager)? yes
 no
 cannot say
- (g) increased accessibility to judiciary for bilingual litigants? yes
 no
 cannot say

Jurisdiction of Family Case Manager

12. Over the past year, while sitting in Family Court in Ottawa, have you been asked to overrule or vary any Order of the Family Case Manager?

- 1-5 times
- More than 5 times
- Never

7. Have you had occasion to refer a case to the Family Case Manager for case management or a reference?

- 1-5 times
- More than 5 times
- Never

8. Would you support expanding the Family Case Manager's jurisdiction (powers) in the following areas:

- (a) Child protection (CFSA)? yes
 no

If yes, what additional powers would you recommend for the Family Case Manager?

- (b) Enforcement matters (FRSAEA)? yes
 no

If yes, what additional powers would you recommend for the Family Case Manager?

- (c) Other Family Law matters (FLA, DA, CLRA)? yes
 no

If yes, what additional powers would you recommend for the Family Case Manager?

Miscellaneous

9. Would you support the introduction of court ordered mediation in Family Law?

- yes
- no

Please indicate why or why not?

General Feedback

10. Based on your experience to date, should the Pilot Project be continued beyond June 2010?

- yes
- no

12. Do you have any suggestions or comments regarding the Family Case Manager Pilot Project in Ottawa?
