



# Edmonton Region

Provincial Court of Alberta

## JUDICIAL DISPUTE RESOLUTION GUIDELINES

**All matters requiring a JDR MUST be arranged through the Edmonton Region Trial Coordinator (Pat Kwasnycia) [tel.: 780-427-0110; fax: 780-427-2077].**

1. All Parties and their Counsel **must** attend the JDR. In special circumstances a third party may participate if the Judge is of the view that the party's presence will be of assistance and beneficial to the resolution of the issue. JDRs will be scheduled for 90 minutes. Should additional time be required counsel should schedule that matter as the final matter to be heard. Counsel and clients must be prepared to proceed as scheduled.
2. Unless otherwise instructed the documents / reports must be available to the judge [via the Trial Coordinator, Attn.: Pat Kwasnycia, 6<sup>th</sup> Floor, Law Courts (North), 1-A Sir Winston Churchill Square, Edmonton, AB T5J 0R2 or sent by fax to: 780-427-2077] and all counsel at least 5 business days prior to the hearing. Failure to comply is unacceptable and could result in the JDR being cancelled unless special circumstances provide an appropriate explanation. Documents otherwise inadmissible at trial may be provided if they would assist the JDR Judge in understanding the overall circumstances or the issues to be addressed. The JDR Judge shall determine and will direct if the JDR should be adjourned and continued.
3. JDRs are conducted on a confidential basis. Any statements made by Counsel or a party to facilitate a settlement are made on a without prejudice basis and are not admissible at trial should the matter proceed to trial. Any documents produced in the JDR to promote or facilitate a resolution or settlement, other than those produced as part of the ordinary disclosure process, are not admissible at the trial.
4. In the event the JDR Judge meets separately with either counsel/party during the JDR, the discussions between the Judge and counsel/party will remain confidential unless otherwise agreed upon between the parties.
5. The JDR Judge will not hear the trial of the matter unless the parties otherwise agree.

6. The JDR Judge will not discuss the JDR with the trial Judge in the event the matter proceeds to trial.
7. The JDR Judge is not a compellable witness in any proceedings.
8. The Applicant (scheduling party) shall
  - a) Provide the Trial Coordinator and all interested parties, including the Clerk's Office where the file originated and also where the JDR will be held, with:
    - i. a completed "Confirmation of JDR Hearing" in the required format (form attached);
    - ii. written notice of any cancellation or re-scheduling of the JDR;
    - iii. written confirmation on the finalization of the JDR as to the resolution of the matter or whether the matter is proceeding to trial or the release of the scheduled trial dates. (All counsel shall cooperate and communicate on a priority basis.)
  - b) Enclose with the Confirmation of JDR Hearing which is being forwarded to the Respondents an extra copy of the "Confirmation of JDR Hearing". They will complete and then forward the form (indicating reply and their name) along with an enclosures to the Trial Coordinator and all other parties to the JDR Hearing.
  - c) Following the JDR Hearing the Applicant will prepare and file a report with the Trial Coordinator with copies being sent to all parties who received the Confirmation of JDR Hearing (form attached).
9. Counsel for a child (a party under the CYFEA) will seek the consent of the other parties before contacting the presiding JDR judge with a request that the child be in attendance. The Judge would determine the issue of the child's attendance as well as the degree of involvement.

### Binding JDRs

1. The provisions of the JDR Guidelines apply, namely, #s 2, 3, 4, 6, 7, 8 and 9, as well as #1 (except for time limitations) and #5 relates to the JDR judge who hears the application.
2. Counsel will confirm in writing when scheduling the JDR that all parties have agreed to be bound by the decision of the JDR Judge and that the court is not a party to that agreement or any matters they may have agreed on.
3. At the conclusion of the JDR the opinion will be given and counsel will have the opportunity to clarify the opinion if this is required. Counsel will then confirm that:
  - i. The parties have agreed to be bound by the opinion without making it an Order of the court.  
or
  - ii. The opinion is to be converted into a Court Order by either
    - (a) opening court and reading the opinion into the record  
or
    - (b) counsel drafting a Court Order which will be entered into court at a later date.

### QUESTIONS?

If you have any questions regarding JDRs please call the Edmonton Region Trial Coordinator, Pat Kwasnycia, at 780-427-0110 / fax: 780-427-2077.

(Rev. February/2013)