

COURT OF KING'S BENCH OF ALBERTA

K.B. FAMILY LAW PRACTICE NOTE "3"

FAMILY LAW CONFERENCES

(For matters under Part 12 of the Alberta Rules of Court)

EFFECTIVE MARCH 1, 2011

Pursuant to Rule 4.11, a Court-directed family law conference is available to assist the parties in moving a matter towards trial. This Practice Note applies if such a conference is requested by the parties or directed by the Court in anticipation of trial.

A. The objectives of a family law conference are as follows:

I. Settlement Component

1. To define the specific matters in issue between the parties.
2. To establish the position of each party relating to the matters in issue.
3. To define the position of each party relating to settlement of the matters in issue.
4. To encourage and promote settlement of the matters in issue. The parties are encouraged to set out their settlement proposal in short, written form. This proposal may be provided to the Conference Justice together with the Family Law Summary set out at the end of this Practice Note.
5. To determine what facts and issues can be agreed upon for:
 - (a) the purpose of settlement; and
 - (b) trial, if settlement is not possible.

II. Case Management Component

6. To specify the incomes, expenses, assets, liabilities, exemptions and financial circumstances of the parties in a form which may be provided to the Trial Judge at the start of the trial.
7. To establish what exhibits will be tendered at trial and whether agreement on the admission of facts or exhibits can be reached.

8. To establish the number, names and types of witnesses reasonably expected to be called at trial, the substance of their testimony and the approximate duration of their testimony at trial.
9. To estimate the amount of time required for trial.
10. For matters not yet ready for trial, to determine the steps to be completed before the filing of a Certificate of Readiness, to formulate a plan for the completion of those steps and to determine if a further pretrial conference is required.

B. The following procedural and practice directives apply to family law conferences:

1. Summary forms must be exchanged by counsel at least seven days before the date of the conference and submitted directly to the Conference Justice four days prior to the conference. Failure to provide the forms in a timely fashion may result in an award of **costs against counsel personally**.
2. If counsel wishes to have the client attend at conference, counsel shall so advise the other counsel and the Court and make the arrangements for a courtroom. Conferences with clients present will not be held in private chambers.
3. Counsel for the parties, by agreement and with the consent of the Justice, may arrange for a specific Justice to hear conferences at which the clients will be present. These conferences should be arranged by one of the counsel, after consultation with the other, telephoning the Justice's secretary to make suitable arrangements.
4. The Justice who hears the conference shall not be the Trial Judge unless counsel and both parties agree in writing.
5. The Conference Justice will provide a report concerning case management directions to the Trial Coordinator, the Trial Judge, and the parties, through counsel where retained, in advance of trial, but this document will contain no reference to any settlement issues or discussions.
6. At the request of counsel for any party, the Conference Justice may make an Order directing steps or procedures to be taken prior to trial and at trial including, but not limited to:
 - (a) agreements made concerning exhibits;
 - (b) filing of up-dated statements of property, income and financial circumstances of the parties;
 - (c) a list of the witnesses to be called at trial by each party with a brief description of the expected testimony of each witness;

- (d) agreements made related to admitted facts and issues;
- (e) exchange of expert reports and the updating of any expert opinions;
- (f) disclosure of documents; and
- (g) whether a further conference should be held prior to trial.

C. Family Law Summary

COURT FILE NUMBER
COURT OF KING'S BENCH OF ALBERTA
JUDICIAL CENTRE
PLAINTIFF(S)
DEFENDANT(S)

FAMILY LAW SUMMARY
CONFERENCE

ADDRESS FOR SERVICE AND
CONTACT INFORMATION OF
PARTY FILING THIS DOCUMENT

Information re Plaintiff

:

Information re Defendant

Name of party and status:

Responsible lawyer:

Law firm:

Address of party or law firm:

Address for service:

Phone number of lawyer:

File number of lawyer:

Electronic address of lawyer:

Submitted by:

Counsel for:

Proceedings are under:

Divorce Act

Matrimonial Property Act

Family Law Act

Parties

Plaintiff/Applicant

Defendant/Respondent

Name of party and status:

Responsible lawyer:

Law firm:

Address of party or law firm:

Address for service:

Phone number of lawyer:

File number of lawyer:

Electronic address of lawyer:

Birth Date:

Date of Cohabitation:

Date of Marriage:

Date of Separation:

Income:

Children: (names and birth dates)

- 1.
- 2.
- 3.
- 4.

Issues to be determined at trial: (Check those matters in issue)

Custody (*Divorce Act*)

Access (*Divorce Act*)

Parenting Issues (*Family Law Act*)

Specify: _____

Time with the child (*Family Law Act*)

(a) Guardian _____

(b) Non-guardian _____

Child Support:

(a) Income _____

(b) Entitlement _____

(c) Quantum _____

(d) Hardship _____

Spousal/Partner Support

(a) Income _____

(b) Entitlement _____

- (c) Quantum _____
 - (d) Duration _____
 - Matrimonial Property
 - (a) Value _____
 - (b) Liabilities _____
 - (c) Exemptions _____
 - (d) Dissipation _____
 - (e) Method of Distribution _____
 - Other
Specify: _____
-

1. Trial

- (a) Anticipated time required for evidence and argument:

 Plaintiff/Applicant: _____ days
 Defendant/Respondent: _____ days
- (b) Are security problems anticipated? Yes / No
- (c) List trial judges with potential conflicts:
- (d) Are pleadings / required documents finalized? Yes / No
- (e) List any obstacles to trial readiness (e.g. outstanding motions, incomplete production, need for further examination, incomplete undertakings, expert opinions, etc.)
- (f) List the party's witnesses:

2. Admissions:

- (a) Will there be an agreed statement of facts? Yes / No
- (b) Do the parties agree on the admissibility of any exhibits? Yes / No

3. Alternative methods to resolve dispute:

What efforts have been made to settle this matter prior to the conference?

4. Expert Reports:

- (a) Are there any expert reports, either obtained or to be obtained? Yes / No
- (b) Will the expert(s) be up-dating his or her opinion before trial? Yes / No

- (c) Will the qualifications of the expert(s) be admitted? Yes / No
- (d) Application to cross-examine the expert before trial? Yes / No
- (e) Can the reports be admitted without calling the experts? Yes / No
- (f) Which ones? (Please list)
- (g) Can the reports go to the trial judge before the trial? Yes / No
- (h) In the case of an expert assessment touching on child related matters where both parties have agreed on the assessor, will the assessor be examined in chief or cross examined by both parties or will the assessment be entered by agreement?

5. Positions:

- (a) Set out the current arrangements for custody/access, parenting issues (including time with the child), or contact, the party's position on the disputed parenting issues, and the expert's opinion on those disputed issues:
- (b) Set out the current arrangement for child support, and the party's position on the disputed child support issues such as guideline incomes, section seven expenses, undue hardship:
- (c) Set out the current arrangement for spousal / partner support, and the party's position on the disputed spousal/partner support issues such as entitlement, quantum and duration:
- (d) Attach the party's statement of assets, liabilities and exemptions (including nature of and method of proof of exemptions and value and tracing issues) and the party's position on the disputed issues.