

RULE 50.1
SETTLEMENT CONFERENCES

- 50.1** (1) At the request of the parties, the court may set a date, time, and place for a settlement conference.
- (1.1) The case management coordinator shall deliver notice to every party of the date, time, and place of the settlement conference.
- (1.2) A settlement conference before a judge is available in any proceeding unless otherwise directed by a judge.
- (1.3) The purposes of a settlement conference are to resolve or narrow the issues in the proceeding, to expedite the determination of the proceeding, and to facilitate settlement of the proceeding.
- (1.4) A judge who conducts a settlement conference shall not preside at the trial or hearing of the proceeding, except with the written consent of all parties.

Steps to be Completed Before Settlement Conference

- (2) All examinations, production of documents and motions arising out of examinations and production of documents shall be completed before the settlement conference unless otherwise authorized by a judge.

Attendance at Settlement Conference

- (3) The lawyers for the parties shall appear at the settlement conference and, unless the presiding judge directs otherwise, the parties shall also appear at the settlement conference.
- (3.1) A party who requires another person's approval before agreeing to a settlement shall, before the settlement conference, arrange to have immediate access to the other person throughout the settlement conference.
- (3.2) Every lawyer attending the settlement conference shall ensure that they have the authority to settle the proceeding and they are fully acquainted with the facts and legal issues in the proceeding.

Settlement Conference Briefs

- (4) At least seven days before the settlement conference, each party shall file with proof of service a settlement conference brief

containing all material each party considers necessary for the settlement conference.

Contents of Brief

- (5) A settlement conference brief shall contain,
 - (a) a concise summary of the facts, including the agreed upon facts and admissions;
 - (b) a concise summary of the issues followed by concise argument with reference to the law, authorities, and facts relating to each issue;
 - (c) a list of witnesses and a concise summary of the relevant evidence of each witness;
 - (d) the relevant portions only of transcripts, experts' reports and other evidence that may be adduced at trial;
 - (e) the party's pleadings, including any demand or order for particulars of a pleading and the particulars delivered in response; and
 - (f) any offer or counteroffers made to date.
- (6) A judge may waive any of the requirements set out above in subrule 50.1(5).

Memorandum or Order

- (7) If the proceeding is settled at the settlement conference, the parties or their lawyers may sign a memorandum setting out the results of the settlement conference and the presiding judge may make such order as is considered necessary or advisable with respect to the conduct of the proceeding.
- (7.1) A memorandum or order made under this Rule binds the parties unless the judge presiding at the trial or hearing of the proceeding orders otherwise to prevent injustice.

No Disclosure

- (8) No communication shall be made to the judge presiding at the hearing of the proceeding or a motion or reference in the proceeding with respect to any statement made at the settlement conference, except as disclosed in a memorandum or order under subrule 50.1(7).

Powers

- (9) If the proceeding is not settled at the settlement conference, the presiding judge may

- (a) establish a timetable for the parties;
- (b) direct the parties to a case management conference;
- (c) continue the settlement conference on another date if the judge considers it necessary or advisable to do so;
- (d) direct the parties to participate in a pre-trial conference for the purpose of readiness for the trial or hearing;
- (e) authorize dates for the trial or hearing of the proceeding;
and
- (f) give such other directions as the judge considers necessary or advisable with respect to the conduct of the proceeding.

Telephone or Video Conference

- (10) Where all lawyers and parties participating in a settlement conference consent, and the presiding judge considers it necessary or advisable to do so, the presiding judge may authorize the settlement conference to be conducted by telephone or video conference.