

How to Request a Settlement Conference

Instructions

A **settlement conference** is an informal meeting where you and the other person meet to hear each other's proposals and look for solutions that are acceptable to everyone. A judge will assist you. You can request a settlement conference if you want to negotiate a resolution and have more control over the outcome of your case. If your settlement conference is unsuccessful, you can go to trial.

Any discussions that take place in a settlement conference cannot be brought up or used against you if you go to trial. If you go to trial, your trial judge will be different from your settlement conference judge, unless you and the other person agree otherwise.

A binding settlement conference is similar to a settlement conference, except that you both agree that the settlement conference judge can make a decision. This decision becomes a final order and is binding.

Before you can file a **Request for a Settlement Conference (Form F25.03A)**, you must already have a scheduled date for a case management hearing. A judge will consider your request at that case management hearing.

Completing a Request for a Settlement Conference

You can fill out this form by hand or you can download and fill out this form electronically at www.court.nl.ca/supreme/family/forms.html (If you fill out the form electronically, you must still print the form, file it with the Court, and serve a copy on the other person).

You must fill out pages 1-3 of the form. If you are requesting a binding settlement conference, you must also fill out and attach Schedule 1. If you need more space to fill out any section of this form, attach an extra page and indicate which section is continued on the extra page.

Filing a Request for a Settlement Conference

You must make **2 extra copies** of your signed Request for a Settlement Conference. To file your Request, bring the original Request form to the Supreme Court location where your family law file is or mail the Request to that Supreme Court location.

Serving a Request for a Settlement Conference

You must give a copy of this Request form to the other person **at least 7 days** before your case management hearing date. This is called *service*. You can serve the other person by: personal service (an adult, who is not you, can hand-deliver the document), leaving a copy with the other person's lawyer, leaving a copy at the other person's address, registered mail/courier, or regular mail. You can also serve the other person using fax, email, or electronic document exchange, if the other person has provided that information. The other person can respond by filing their own Request for a Settlement Conference form.

More Information

Questions? Go to www.court.nl.ca/supreme/family or contact a Court near you:

Corner Brook: (709) 637-2227

Grand Falls-Windsor: (709) 292-4260

Gander: (709) 256-1115

Happy Valley-Goose Bay: (709) 896-7892

Grand Bank: (709) 832-1720

St. John's: (709) 729-2258

--- It is highly recommended that you get advice from a lawyer ---

If you need help finding or getting a lawyer, you can contact:

Public Legal Information Association of NL (PLIAN): www.publiclegalinfo.com or 1 (888) 660-7788

Legal Aid: www.legalaid.nl.ca or 1(800) 563-9911

--- REMOVE THIS PAGE BEFORE SERVING AND FILING YOUR REQUEST ---

How to Respond to a Request for a Settlement Conference

Instructions

You have been served with a **Request for a Settlement Conference (Form 25.03A)**. This means that the other person wants to schedule a settlement conference or binding settlement conference. At your next case management hearing, the judge will decide whether you should go to a settlement conference.

A **settlement conference** is an informal meeting where you and the other person meet to hear each other's proposals and look for solutions that are acceptable to everyone. A judge will assist you. You can request a settlement conference if you want to negotiate a resolution and have more control over the outcome of your case. If your settlement conference is unsuccessful, you can go to trial.

Any discussions that take place in a settlement conference cannot be brought up or used against you if you go to trial. If you go to trial, your trial judge will be different from your settlement conference judge, unless you and the other person agree otherwise.

A binding settlement conference is similar to a settlement conference, except that you both agree that the settlement conference judge can make a decision. This decision becomes a final order and is binding.

Responding to a Request for a Settlement Conference

To respond to the other person's request, you must fill out your own **Request for a Settlement Conference** form. You can get this form at any Supreme Court location or online:

www.court.nl.ca/supreme/family/forms.html. Even if you do not agree to a settlement conference, you must still fill out your own Request form. You can check off the option on the form to indicate that you do not agree to a settlement conference. A judge may still order you to attend a settlement conference.

Filing a Request for a Settlement Conference

You must make **2 extra copies** of your signed Request for a Settlement Conference. To file your Request, bring the original Request form to the Supreme Court location where your family law file is or mail the Request to that Supreme Court location.

Serving a Request for a Settlement Conference

You must give a copy of this Request form to the other person **at least 2 days** before your case management hearing date. This is called *service*. You can serve the other person by: personal service (an adult, who is not you, can hand-deliver the document), leaving a copy with the other person's lawyer, leaving a copy at the other person's address, registered mail/courier, or regular mail. You can also serve the other person using fax, email, or electronic document exchange, if the other person has provided that information.

More Information

Questions? Go to www.court.nl.ca/supreme/family or contact a Court near you:

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Form 25.03A: Request for a Settlement Conference (Family Law)



**In the Supreme Court of
Newfoundland and Labrador
(General/Family)**

FOR COURT USE ONLY
COURT FILE NO: _____
CENTRAL DIVORCE REGISTRY NO: _____
Filed at _____, Newfoundland and Labrador, this _____ day of _____, 20____.
_____ Registry Clerk of the Supreme Court of Newfoundland and Labrador

BETWEEN: _____ APPLICANT
(Print full name)

AND: _____ RESPONDENT
(Print full name)

AND: _____ NOT APPLICABLE
(Print full name) SECOND APPLICANT
 SECOND RESPONDENT

I, _____ the Applicant Respondent Other:
(Print your name)

- am requesting a settlement conference. *(Fill out Parts A, B, C, D, and E)*
- am requesting a binding settlement conference. *(Fill out Parts A, B, C, D, E, and Schedule 1)*
- am responding to a request for a settlement conference.
 - I agree to the request for a settlement conference. *(Fill out Parts A, B, C, D, and E)*
 - I reject the request for a settlement conference because:

- am responding to a request for a binding settlement conference.
 - I agree to the request for a binding settlement conference. *(Fill out Parts A, B, C, D, E, and Schedule 1)*
 - I reject the request for a binding settlement conference.

Part A Resolved Issues

Check the issues that have already been resolved (by court order, agreement, consent, or otherwise):

<input type="checkbox"/> Divorce
<input type="checkbox"/> Parenting (Decision-making and Parenting time)
<input type="checkbox"/> Contact Order/ Third Party Time with Child
<input type="checkbox"/> Child Support
<input type="checkbox"/> Spousal (<i>married</i>) Support or Partner (<i>unmarried</i>) Support
<input type="checkbox"/> Parental Support (<i>for parents</i>) or Dependant Support (<i>for spouse or child of deceased person</i>)
<input type="checkbox"/> Division of Matrimonial (<i>married</i>) Property or Common Law (<i>unmarried</i>) Property
<input type="checkbox"/> Other:

Part B Issues for Settlement Conference

Check the issues that you would like to address at the settlement conference and provide a brief description:

<input type="checkbox"/> Divorce:
<input type="checkbox"/> Parenting (Decision-making and Parenting time):
<input type="checkbox"/> Contact Order/ Third Party Time with Child:
<input type="checkbox"/> Child Support:
<input type="checkbox"/> Spousal (<i>married</i>) Support or Partner (<i>unmarried</i>) Support:
<input type="checkbox"/> Parental Support (<i>for parents</i>) or Dependant Support (<i>for spouse or child of deceased person</i>):
<input type="checkbox"/> Division of Matrimonial (<i>married</i>) Property or Common Law (<i>unmarried</i>) Property:
<input type="checkbox"/> Other:

Part C Time Required for Settlement Conference

How much time do you estimate the settlement conference will require?

<input type="checkbox"/> Half day	<input type="checkbox"/> Full day	<input type="checkbox"/> Other:
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Part D Undertakings

You must indicate that you will do all of the following:

<input type="checkbox"/> I will serve and file a settlement conference brief at least 7 days before the settlement conference date.
<input type="checkbox"/> I will keep my financial information current by filing with the Court and delivering to the opposing party the updated financial information at least 7 days before the settlement conference date.
<input type="checkbox"/> I will promptly advise the Court if a settlement has been reached prior to the settlement conference date.
<input type="checkbox"/> I will provide the Court and the other party with all documents I intend to rely on in the settlement conference.

Part E Legal Representation

Fill in the details of your legal representation below:

<input type="checkbox"/> I am currently represented by <i>(Name of lawyer)</i> _____. <input type="checkbox"/> The above named lawyer will represent me at the settlement conference. <input type="checkbox"/> I will be represented by a different lawyer at the settlement conference: <i>(Name of lawyer)</i> _____. <input type="checkbox"/> I will be representing myself at the settlement conference.
<input type="checkbox"/> I am not currently represented by a lawyer. <input type="checkbox"/> I anticipate having a lawyer for the settlement conference: <i>(Name of lawyer)</i> _____. <input type="checkbox"/> I will be representing myself at the settlement conference.

Signature and Date

DATED at _____, this _____ day of _____, 20____	
_____ <i>Signature</i>	_____ <i>Signature of Lawyer (if any)</i>
	_____ <i>Print Name of Lawyer (if any)</i>

Schedule 1 Agreement to Binding Settlement Conference

Outstanding Issues for Binding Settlement Conference:

Check the issues that you would like to address at the binding settlement conference:

<input type="checkbox"/> Divorce:
<input type="checkbox"/> Parenting (Decision-making and Parenting time):
<input type="checkbox"/> Contact Order/ Third Party Time with Child:
<input type="checkbox"/> Child Support:
<input type="checkbox"/> Spousal (married) Support or Partner (unmarried) Support:
<input type="checkbox"/> Parental Support (for parents) or Dependant Support (for spouse or child of deceased person):
<input type="checkbox"/> Division of Matrimonial (married) Property or Common Law (unmarried) Property:
<input type="checkbox"/> Other:

Preference of Judge

If you prefer to have a particular judge for your binding settlement conference, please indicate the judge's (or judges') name(s):

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Consent and Waiver

I, _____ the Applicant Respondent Other:
(Print your name)

consent to a binding settlement conference to resolve the outstanding issue(s).

I understand the binding settlement conference process.
I have chosen a binding settlement conference to resolve the outstanding issue(s) instead of a trial of the issue(s).
I agree to be bound by the decision of the settlement conference judge should the judge find it appropriate to decide the issue(s).
I understand that the settlement conference judge is not bound by the strict rules of evidence, but may receive and use any information submitted to the Court.
I understand that the settlement conference judge has full power and authority to rule on any questions of law and/or fact applying to the admission of evidence or determination of the issues in the same manner as a judge at trial.

I understand that a decision of the settlement conference judge is enforceable in the same manner as any other Judgment of the Court.
I understand that having a binding settlement conference will impact any right of appeal following the binding settlement conference.
I agree to keep all communications and discussions from the entire binding settlement conference process confidential.
I understand that my participation in this binding settlement conference is strictly voluntary and that I can withdraw consent to proceed with a binding settlement conference at any time prior to the conference date.
I have not been coerced or threatened in any way to agree to this binding settlement conference process and I have not been promised anything to get me to agree to this binding settlement conference process.
I understand that I can seek independent legal advice from a lawyer before consenting to this binding settlement conference process, and <ul style="list-style-type: none"> <input type="checkbox"/> I have received independent legal advice; or <input type="checkbox"/> I have chosen not to seek independent legal advice.

DATED at _____, this _____ day of _____, 20____.	
_____ <i>Signature</i>	_____ <i>Signature of Lawyer (if any)</i>
	_____ <i>Print Name of Lawyer</i>