Form 108A S.C. No.\_\_\_\_\_\_\_\_\_

PD CIVIL-1/FAMILY-12

**SUPREME COURT OF YUKON**

Between

Plaintiff/Petitioner

and

Defendant/Respondent

BINDING JUDICIAL SETTLEMENT CONFERENCE AGREEMENT

The parties, and their lawyers, agree to the following terms and conditions:

1. By the voluntary and informed consent of the parties, this matter will proceed by way of a binding Judicial Settlement Conference (JSC) to take place between \_\_\_\_\_\_\_\_\_\_\_ am/pm and \_\_\_\_\_\_\_\_\_\_\_ am/pm on \_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_.
2. Justice \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ will preside in this matter (the “presiding judge”).
3. Each party will set out its position in a written brief which will be provided to the other parties and filed with the court. These briefs will be exchanged by the parties in advance of the JSC and in accordance with a timeline determined in case management.
4. As directed by the presiding judge or agreed to by the parties, oral evidence or affidavit evidence may be required in advance of the JSC.
5. Of the issues presented at the JSC, those that are not resolved by agreement between the parties shall be determined by the presiding judge in a final and binding decision. Subject to the discretion of the presiding judge and the request of the parties, the decision will be rendered orally, or in writing, and will be read into the court record in the form of a court order.
6. This process is confidential. Statements made by counsel or by the parties in this process are privileged and without prejudice and cannot be used for any purpose, except to prove any settlement reached. With the consent of all parties, any written decision by the judge may be published providing it is anonymized.
7. With the agreement of the parties, or at the direction of the presiding judge, the JSC may be recorded on the official digital audio recording system (DARS) in a courtroom. JSCs taking place outside of a courtroom will be recorded on a separate system for the personal use of the presiding judge. Any recording made will be sealed, and access will only be granted after an application to the presiding judge.
8. The presiding judge is non-compellable as a witness in any subsequent proceedings and is immune from legal actions.
9. The rules of evidence may not necessarily be followed in the JSC, and, in particular, hearsay evidence may be considered.
10. Any decision made as a result of binding JSC will be treated as a consent order for the purposes of appeal.
11. The parties acknowledge that they have each read this Agreement in its entirety and understand the provisions thereof.
12. This agreement is being executed by the parties after having been informed of their right to obtain independent legal advice and, if not represented by counsel, documentation attesting to their exercise or waiver of this right is attached.
13. This agreement shall be filed and kept on the court file.

Dated at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Yukon, this \_\_\_\_\_\_\_\_\_\_\_day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 20\_\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Plaintiff/Petitioner Defendant/Respondent

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Lawyer for the Plaintiff/Petitioner Lawyer for the Defendant/Respondent

CERTIFICATE OF INDEPENDENT LEGAL ADVICE

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Barrister and

 (name of lawyer) (city, province/territory)

Solicitor, certify that on the \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_, I explained to

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ the provisions and effect of the attached Binding Judicial Settlement

 (name of party)

Conference Agreement and the said \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ acknowledged to me that

 (name of party)

he/she fully understood the terms of the Agreement and further acknowledged that he/she was prepared to execute the Binding Judicial Settlement Conference Agreement of his/her own free will and without undue influence or coercion from any person and,

more particularly, from \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

 (name of other party)

WAIVER OF INDEPENDENT LEGAL ADVICE

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, hereby waive my right to independent legal advice.

 (name of party)

I have been informed that I should have legal advice. I have read the provisions and understand the terms and effect of the attached Binding Judicial Settlement Conference Agreement and have executed the agreement of my own free will and without undue influence or coercion from any person and, more particularly, from

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

 (name of other party)

**SUPREME COURT OF YUKON**

 S.C. No. \_\_\_\_\_\_\_\_\_\_\_

BETWEEN:

 \*

 PLAINTIFF

AND:

 \*

 DEFENDANT

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SETTLEMENT CONFERENCE BRIEF OF THE PLAINTIFF / DEFENDANT**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*(Name*)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*Name)*\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Counsel for the Plaintiff Counsel for the Defendant

NAME OF FIRM NAME OF FIRM

123 XYZ Street 123 XYZ Street

Town, Yukon Town, Yukon

Y0Y 0Y0 Y0Y 0Y0

Ph/fax Ph/fax

Email Email

**SUPREME COURT OF YUKON**

 S.C. No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_

Between:

 \*

 PLAINTIFF

And:

 \*

 DEFENDANT

## SETTLEMENT CONFERENCE BRIEF OF THE \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Family Law)

FROM: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

TO: The Trial Coordinator, Supreme Court of Yukon

FOR: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

DATE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

DATE OF SETTLEMENT CONFERENCE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ at \_\_\_\_\_\_\_\_ a.m.

**I. FACTS**

#### Background

1. Provide a detailed history of the relationship, marriage, children, childcare, separation etc. as appropriate.

# II. ISSUES

The issues to be discussed at the settlement conference are as follows (*point form)*:

 *(potential issues:)*

1. **Custody**
2. **Child Support**
3. **Residence of the Children;**
4. **Child Support (including section 7 expenses)**
5. **Division of Assets and Debts;**
6. **Spousal Support**

# III. ANALYSIS/PROPOSAL FOR SETTLEMENT

##### Custody

##### Child Support

##### C. Residence of the Children

**D. Child Support/Section 7 Expenses**

**E. Division of Assets and Debts**

**F. Spousal support**

All of which is respectfully submitted this \_\_\_day of \_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_..

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Counsel for the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SUPREME COURT OF YUKON**

 S.C. No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_

Between:

 \*

 PLAINTIFF

And:

 \*

 DEFENDANT

## SETTLEMENT CONFERENCE BRIEF OF THE \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

## (Civil Law)

FROM: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

TO: The Trial Coordinator, Supreme Court of Yukon

FOR: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

DATE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

DATE OF SETTLEMENT CONFERENCE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ at \_\_\_\_\_\_\_\_ a.m.

**I. FACTS**

#### Background

1. Provide a history of the dispute that includes a brief statement of all relevant facts.

# II. ISSUES

The issues to be discussed at the settlement conference are as follows (*point form)*:

 *(potential issues:)*

**A.**

**B.**

**C.**

# III. ANALYSIS/PROPOSAL FOR SETTLEMENT *(for each of the issues set out above)*

 **A.**

 **B.**

 **C.**

All of which is respectfully submitted this \_\_\_day of \_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_..

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Counsel for the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_