

ALL ABOUT JUDICIAL CASE CONFERENCES

A Judicial Case Conference (“JCC”) is usually the first step in family law litigation after you have filed your claim (or Response and Counterclaim if you are the Respondent). The *Supreme Court Family Rules* require that the parties to a family law dispute attend at a JCC prior to bringing any applications before a judge for any order.

Exceptions to this rule can be made if the Court allows and where there are urgent circumstances. Either party can then seek an order allowing them to bring an application before attending at a JCC.

A JCC has some similarities to a mediation. It is primarily a consensus-based process, where the only substantive orders that can be made are those that are put in place by agreement between you and the other party.

These *Rules* are meant to create a relatively low stakes environment for the parties to feel that they can discuss the issues in a frank and open manner. Any statements made within the context of the JCC are “without prejudice” communications which means that those statements cannot be relied upon in future in Court proceedings by either party, except in very rare circumstances (for instance if there is some dispute about what was ordered at a JCC).

The only orders that a judge can put in place that are not by agreement between you and the other party at a JCC are what we call “procedural orders”.

Procedural orders are orders that facilitate and set out steps in the litigation. Usually they confirm timelines and a process for exchanging relevant documents that have not yet been exchanged.

Scheduling a Judicial Case Conference

As with all court scheduling, keep in mind that we are limited to the dates that are offered by the Court, when Judges are available to preside over JCCs.

If your spouse has a lawyer, we are also limited by the other lawyer’s availability. There is rarely any benefit to unilaterally setting a date for a JCC.

Due to what can sometimes be a difficult exercise in coordinating dates where both lawyers are available and where a judge is available as well, you need to make yourself as available as possible to attend at a JCC. This may require taking time off from work, arranging for child care, or ensuring that you are in town to attend when you had planned to be out of town.

It is possible to ask for permission to attend at a JCC by telephone, in particular if your residence is outside the Kelowna area and it is difficult for you to travel to attend in person. Permission needs to be requested from the Court to appear by telephone and is usually granted. However, your attendance, either in person or by telephone is required.

How to best prepare for a Judicial Case Conference

Most of the time, you and your spouse will have exchanged completed Form F8 financial statements prior to the judicial case conference. This is an extremely important part of the process and the judge presiding over the JCC will have those in the Court file.

You can best prepare for a JCC by ensuring that you provide your lawyer with all relevant financial documents they request, prior to the JCC along with any other information they request that is relevant to your file.

Frequently Asked Questions

What should I wear to a JCC?

You are not required to wear a suit or any other type of court attire. The lawyers will be wearing suits.

Who will do the talking at the JCC?

The lawyers and the judge will primarily do the talking. A JCC usually starts with the lawyers providing a brief summary to the judge of the history, the relevant facts and what their client (i.e. you) would like to accomplish at the JCC.

You are welcome to jump in and ask or answer questions if you feel comfortable doing so and the judge may ask you direct questions. If you feel uncomfortable talking at all that is fine too, although you may find you feel differently once you are there as JCCs are relatively informal and most judges do their best to make the parties feel comfortable to encourage agreement and discussions.

What should I expect in terms of outcome from a JCC?

Sometimes all issues can be resolved at a judicial case conference. This is more likely if the issues in dispute in your case are not complex and if there has been full and completed financial disclosure prior to a JCC and there has been some discussion and negotiation with the assistance of your counsel ahead of time.

Most of the time there is no complete and final resolution reached, however JCCs are almost always a useful exercise. They usually result in providing more information to both parties about what the true concerns of the other party are, what the legal position of the other party is, and they can provide for a “road map” and action plan for moving forward towards a final agreement or resolution.

If you have further questions about JCCs, there are other resources you can consult to learn more:

https://wiki.clicklaw.bc.ca/index.php?title=Overview_of_Case_Conferences_and_Discovery_in_Family_Law_Matters

https://wiki.clicklaw.bc.ca/index.php?title=Case_Conferences_in_a_Family_Law_Matter

https://www.courts.gov.bc.ca/supreme_court/practice_and_procedure/practice_directions/family/FPD%20-%204%20Judicial%20Case%20Conferences%20-%20Litigants'%20Guide%20to%20Judicial%20Case%20Conferences.pdf

We are happy to answer any questions that you may have.