

FORM 4.04A

(rule 4.04(2))

Rules of the Supreme Court of Newfoundland, 1986

PRACTICE NOTE

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The following Practice Note was filed with the Registrar, as Secretary of the Rules Committee of the Trial Division, and is published pursuant to rule 4.04 of the Rules of the Supreme Court, 1986:

SETTLEMENT CONFERENCES

A continuing problem in scheduling cases has been that often following a settlement conference if the trial date is some months away, lawyers will not continue their discussion with a view to an early settlement. Rather they wait until a day or two before the trial date to finalize the settlement which leaves it impossible to fill the down time as a result of a case being settled. In order to alleviate this problem concerning fixed dates, there should be a follow-up to settlement conferences.

Within two weeks following a settlement conference, a report shall be furnished to the Registry for transmittal to the presiding judge as to whether a settlement has been reached or, if the solicitor feels additional time is necessary, then the presiding judge, upon request, could extend the time by say another two weeks. In the meantime, a fixed trial date shall not be given until after the lawyers have reported to the presiding judge that the case was not capable of being settled. That report would be either that a memorandum of settlement has been filed or alternatively that the case could not be settled. If a memorandum of settlement is filed, that would be the end of the matter. Only if the lawyers have reported that the settlement conference has not worked, shall a fixed date be set.

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