



When parties don't resolve all their issues at a family management conference, the judge may order them to attend a family settlement conference.

Overview

A family settlement conference (settlement conference) is another chance for you and the other party or parties (the people who filed the application or are responding to it) to meet with a judge remotely by audio or video conference to discuss your case and see whether it is possible to settle your dispute without having a trial.

It is a less formal proceeding than a trial. The judge may be wearing business clothes rather than court robes. You can have a lawyer attend the settlement conference remotely with you if you have one, but it is not necessary.

Participating remotely

Settlement conferences are held by audio or video conference unless a judge orders otherwise. In most cases, you do not need to go to the courthouse. You attend remotely using a computer or smart phone.

[Participating remotely](#)

Settlement conference explained

The judge may begin with introductions and an explanation of how they will conduct the conference. They may ask each party to briefly explain the problem that brings them to court. This is a chance for both parties to give a short summary of the facts. It is not the time for a long, detailed presentation of all the evidence.

The judge may ask both parties questions so they can understand the legal issues and each party's goals. Then the judge may spend some time helping you discuss settlement possibilities. If there are children involved, this can include discussions about the needs of the children, how to meet those needs with parenting plans and how to best divide parenting responsibilities.

Sometimes, the judge will comment on the strength or weaknesses of each party's case and might share their perspective of the case with the parties. In some cases, this may help to settle the dispute. The judge may also discuss the type of evidence each party will need to prove their case.

Settlement conference orders

A judge can make an order at a settlement conference if you and the other party agree on a way to settle an issue. You can resolve some or all of the issues in your case this way.

Next steps

If you and the other party seem unlikely to agree to resolve the issues, the judge will discuss what both parties need to do to get ready for trial. The judge can make orders for you to exchange copies of documents or other evidence, and other orders about how the trial will proceed.

The judge will likely ask how many witnesses you are planning to bring to court for the trial. Knowing this helps the judge estimate the amount of court time needed for your trial. If the time estimate for your trial is long, you may have to return to court for a trial preparation conference before your trial to make sure that you are ready for trial.

A judge at a settlement conference can also direct parties to participate in consensual dispute resolution or attend another settlement conference if they think it might help resolve the issues.

If there has been violence in the relationship you or your lawyer should tell the judge.

A different judge from the one who hears the settlement conference will likely hear the trial.

Conduct

Parties must listen respectfully to one another and not interrupt. This allows each party to describe their concerns and allows the judge to ask questions, giving the parties the best chance to reach an agreement.

The conversation between the parties and the judge in a settlement conference is private and confidential. That means that if the matter ends up in a trial, neither party may mention anything said in the settlement conference to the trial judge. This helps the parties to speak freely without worrying that any admissions or acknowledgements they make will be used

against them if the case does not settle.

Preparation

The more preparation you do before the settlement conference the better. Begin by thinking about key issues and how you could reach an agreement. Before the settlement conference you should:

- List all of the issues raised by each party and think about which ones you can agree on
- Figure out what you really want from the case, what the other party(ies) may want, and whether there are solutions that might satisfy you both
- If there are children, consider what would be best for them. On issues affecting children, the law makes the children's best interests the main consideration

Then, you should plan for a trial in case one is needed. Before the settlement conference you should also:

- Gather your facts and think about how you could prove them
- Collect any documents, reports and photographs that are relevant to the dispute. Make copies of the documents for the other party
- Put together a list of witnesses who might attend trial and a brief summary of what each of these witnesses will say when they testify at trial
- Prepare any legal research that you have done
- Read the relevant notices, policies and practice directions

It is also a very good idea to talk to a lawyer about your case before the settlement conference. A lawyer can assess your chances of success if your case goes to trial, tell you about additional evidence you will need and suggest reasonable possibilities for settlement.

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