

REQUEST AND CONSENT FOR BINDING JUDICIAL RESOLUTION CONFERENCE



FOR COURT USE ONLY
Court File No.: _____
Registrar's File No: _____
Filed at _____, New Brunswick, this _____ Day of _____, 20____.
_____ Clerk of the New Brunswick Court of King's Bench

Between: _____ Applicant/Plaintiff/Petitioner
(Print full name)

AND: _____ Respondent/Defendant
(Print full name)

AND: _____ Third Party (if applicable)
(Print full name)

I, _____ the Applicant Respondent Other:

I, _____ the Plaintiff Defendant Third Party

- am requesting a binding judicial resolution conference;
- am responding to a request for a binding judicial resolution conference.
 - I agree to the request for a binding judicial resolution conference
 - I reject the request for a binding judicial resolution conference because:

BINDING JUDICIAL RESOLUTION CONFERENCE REQUEST FORM
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Please check nature of issues to be resolved at the Binding Judicial Resolution Conference:

FAMILY DIVISION	
<input type="checkbox"/>	Divorce
<input type="checkbox"/>	Parenting Time or contact
<input type="checkbox"/>	Decision Making Authority
<input type="checkbox"/>	Relocation
<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 of child of deceased person</i>)
<input type="checkbox"/>	Division of marital property
<input type="checkbox"/>	Division of property of common law couples
<input type="checkbox"/>	Other:

TRIAL DIVISION*	
<input type="checkbox"/>	Employment disputes including wrongful dismissal
<input type="checkbox"/>	Estate matters including interpretation of a will, and revocation or appointment of an executor or administrator of an estate
* Note that at present the Court will only conduct a binding judicial resolution conference in employment or estate matters. Traditional settlement conferences remain available for other civil disputes.	

PREFERENCE OF JUDGE

Parties may request a particular judge to conduct their BJRC. However, the court cannot guarantee a requested judge will be assigned. Please indicate judge in order of preference:

- 1.
- 2.
- 3.

CONSENT

In requesting a binding judicial resolution conference the parties acknowledge the following:

<input type="checkbox"/>	I understand the binding judicial resolution conference process and have read the information provided by the Court.
<input type="checkbox"/>	I have chosen a binding judicial resolution conference to resolve the outstanding issue(s) instead of a trial of the issue(s).
<input type="checkbox"/>	I agree to be bound by the decision of the binding judicial resolution conference judge should the judge find it appropriate to decide the issue(s).
<input type="checkbox"/>	I understand that the binding judicial resolution conference judge is not bound by the strict rules of evidence but may receive and use any information submitted by the Court.
<input type="checkbox"/>	I understand that the binding judicial resolution 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.
<input type="checkbox"/>	I understand that there is no right to have my case decided on a final basis at a trial.
<input type="checkbox"/>	I understand that a decision of the binding judicial resolution conference judge is enforceable in the same manner as any other Judgment of the Court.
<input type="checkbox"/>	I understand that I have no right to object because the judge deciding the unresolved issues has knowledge of settlement discussions and offers to settle or has provided an opinion about the same issues (despite Rules 50.10 and 50.14).
<input type="checkbox"/>	I understand the presiding judge is non-compellable as a witness in any subsequent proceedings and is immune from legal actions
<input type="checkbox"/>	I agree to keep all communications and discussions from the entire binding judicial resolution conference process confidential.
<input type="checkbox"/>	I understand that my participation in this binding judicial resolution conference is strictly voluntary and that I can withdraw consent to proceed with a binding resolution conference at any time prior to the conference date. However, withdrawal from the binding judicial resolution conference process may result in cost consequences.
<input type="checkbox"/>	I understand that I may not withdraw my consent to participate in the binding judicial resolution conference, once the conference has commenced, without the consent of all other parties or permission from the binding judicial resolution conference Judge.
<input type="checkbox"/>	I have not been coerced or threatened in any way to agree to this binding judicial resolution conference process and I have not been promised anything to get me to agree to this binding resolution conference process.
<input type="checkbox"/>	I understand that at the discretion of the presiding judge and at the request of the parties, any necessary decision rendered by the judge shall be rendered orally or in writing and will be read into the court record in the form of a court order.

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I understand that having a binding judicial resolution conference may impact any right of appeal following the binding resolution conference.

I _____, lawyer for _____ [name of party]
certify that I have explained the contents of this Consent to participate in a binding judicial resolution conference in this matter.

Signature of lawyer

DATED at _____, this _____ day of _____, 20____.

Signature

Signature of Lawyer

(name of party)

(name of Lawyer)

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I have reviewed the request for a binding judicial resolution conference and accept to preside in this matter. A Case Management call will be held with the lawyers to discuss the matter on _____ at _____ via telephone and the binding judicial resolution conference will be held on _____ [date and time of hearing].

DATED this _____ day of _____, 20__.

Justice
Court Of King's Bench of New Brunswick