



**HAMILTON SUPERIOR COURT OF JUSTICE, FAMILY BRANCH**  
**NOTICE TO THE PROFESSION AND SELF-REPRESENTED LITIGANTS**  
**RE: SAME-DAY MEDIATION, EXPEDITED MEDIATION TBST AND REQUESTS TO ADJOURN**  
**CONFERENCES LESS THAN 30 DAYS PRIOR TO THE SCHEDULED DATE**  
**November 1, 2022**

**MEDIATION INITIATIVES**

On November 1, 2022, two new mediation programs will launch in Hamilton Unified Family Court by our court-connected mediation and information service provider, AXIS Family Mediation Inc. (“AXIS”). The first is a new pilot for the recommencement of same-day (formerly known as “on-site”) mediation, to service both in-person and virtual court appearances. The second is a new expedited mediation to-be-spoken-to court date pathway to accelerate having agreements reached in mediation through AXIS incorporated into a court order.

It is important for counsel, Family Court stakeholders and the public to be aware of these new programs.

**Same-Day Mediation**

For each Family Court file in which parties wish to attempt to resolve issues on the *same day* that their matter is before the court, whether in-person or virtually, they can again be referred to “on-site” mediation using modified service protocols.

For referrals from a court where a judge is presiding, and whether the judge is hearing the matter in-person or virtually, please see the step-by-step process contained in the guide:

**[New On-site \(same day\) mediation referral FROM A JUDGE process.pdf](#)**

For referrals from a First Appearance Clerk at first appearance court, or a Dispute Resolution Officer (“DRO”) from a case conference, which currently have a virtual

presumptive mode of hearing, please see the step-by-step process contained in the guide:

[New On-site \(same day\) mediation referral FROM A CLERK OR DRO process.pdf](#)

These processes are subject to modification during the pilot period in Hamilton, and we will be relying on the stakeholders in Hamilton to provide feedback so any adjustments can be made by the end of the pilot. At the conclusion of the pilot, the hope is that the processes will be rolled out to the other Family Courts in the region, subject to local approval and minor modifications that may be required to accommodate local practice.

This type of mediation continues to be free of charge for those who mediate the same day as their matter is being heard in court.

### **Expedited Mediation “To Be Spoken To” (EM-TBST) Appearances**

Parties who have settled matters through AXIS mediation outside of court will now have the option of booking an expedited EM-TBST appearance before a judge, to avoid delays in having their agreements incorporated into a court order.

This expedited court date is reserved for those who have an open Family Court file, who have a mediation report and all supporting documents in hand, and who require no other judicial intervention other than an order to be made. In these circumstances, parties may proceed to an EM-TBST to obtain an order, without having to resort to the Form 14B motion process. This new process will be available for both final and temporary resolutions.

If the order made at the EM-TBST resolves all issues on a final basis, future previously booked court dates will be vacated as they will no longer be required.

Please see the step-by-step process contained in the guide:

[TBST booking protocol for off-site reports.pdf](#)

### **ADJOURNMENTS OF CASE CONFERENCES, SETTLEMENT CONFERENCES AND TRIAL SCHEDULING CONFERENCES LESS THAN 30 DAYS BEFORE THE CONFERENCE DATE**

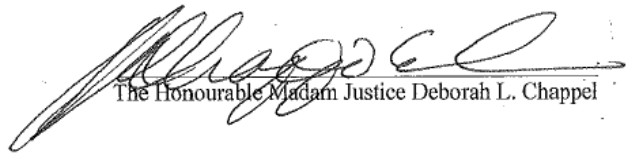
It will now be possible to adjourn a case conference, settlement conference or trial scheduling conference date less than 30 days prior to the scheduled conference date on consent of all parties, with the approval of a judge and based on exceptional or unexpected circumstances. In order to request an adjournment in these circumstances, the parties will need to complete the

following Consent Request to Adjourn Case Management Date Without Attendance form and email it to the Trial Coordinator's Office to: [Hamilton.Family.Superior.Court@ontario.ca](mailto:Hamilton.Family.Superior.Court@ontario.ca)

[Consent Request to Adjourn a Case Management Less than 30 days Notice Oct 31 2022.docx](#)

**NOTE: the current practice will continue with respect to consent requests to adjourn a case conference, settlement conference or trial scheduling more than 30 days in advance of the scheduled conference date.** Specifically, counsel and/or the self-represented parties should email the Trial Coordinator's Office at [Hamilton.Family.Superior.Court@ontario.ca](mailto:Hamilton.Family.Superior.Court@ontario.ca) to inquire when the court is currently setting return dates. Counsel and/or self-represented parties will then have to canvass each other respecting mutually agreeable return dates and provide the Trial Coordinator's Office with a list of 3-5 available dates. The Trial Coordinator's Office will then provide a return date and counsel and/or self-represented parties must then submit a Form 17F confirmation to adjourn the matter on consent.

Dated: November 1, 2022



The Honourable Madam Justice Deborah L. Chappel

The Honourable Madam Justice Deborah Chappel  
Local Administrative Justice