

Civil Practice Directive No. 8

Appeal Settlement Conferences

Effective September 1, 2015

Purpose of an Appeal Settlement Conference

1. The purpose of an appeal settlement conference [ASC] is to facilitate discussions with a view to reaching a settlement on all issues arising in an appeal, or to resolve as many issues as possible, with the assistance of a judge of the court [the ASC Judge].

Requesting, Scheduling and Preparing for an Appeal Settlement Conference

2. An ASC may be requested at any time during the appeal process before the hearing of an appeal by one or more of the parties to the appeal. The registrar of the Court of Appeal [Registrar] or a judge of the court sitting in chambers may suggest that the parties consider requesting an ASC.

3. All parties to an appeal must agree to an ASC and it must be authorized by the ASC Judge.

4. Unless otherwise directed by a judge, all requests for an ASC must be made in writing to the Registrar and must be accompanied by written consents of all parties.

5. On receipt of a request for an ASC and obtaining the authorization of the ASC Judge, the Registrar will fix an appropriate date in consultation with the parties.

6. As soon as a date is selected, the Registrar will confirm the date in writing with the parties and will advise of any filing requirements, further materials, procedures or pre-meetings requested by the ASC Judge.

7. Materials submitted for an ASC will not be filed by the Registry of the Court of Appeal or become part of the court record but will be stamped "Received" and forwarded to the ASC Judge.

At the Appeal Settlement Conference

8. To promote success, a person with authority to make settlement decisions must be present and participate in an ASC on behalf of each party.

9. ASCs are intended to be informal. Gowning is not required.

Confidentiality

10. The ASC is confidential. All documents prepared for an ASC and statements made by counsel, or by the parties during an ASC are confidential, without prejudice, and cannot be used for any purpose or in any proceeding other than the ASC. The Registrar will destroy all documents submitted for an ASC as ordered by the ASC Judge.

11. The ASC Judge will not hear any applications relating to the appeal or sit on the panel hearing the appeal. Regardless of the outcome of the ASC, the ASC Judge will not discuss the ASC with any other judge of the court.

12. As in any judicial process, the ASC Judge is non-compellable as a witness in any proceedings.

After the Appeal Settlement Conference

13. If an ASC is not successful, the ASC Judge may convert the ASC into a pre-hearing conference pursuant to Rule 41 of *The Court of Appeal Rules* for the purpose of setting timelines for filing materials necessary for the expeditious hearing of the appeal.

14. If an ASC is successful, the appellant must file a notice of abandonment or a consent judgment (if appropriate) within 30 days of the conclusion of the ASC or within such other time as the ASC Judge directs.

Note: This Practice Directive is issued by the Court under the authority of *The Court of Appeal Act, 2000* and Rule 74 of *The Court of Appeal Rules*.

Melanie A. Baldwin, Registrar
Court of Appeal for Saskatchewan