

**Provincial Court of Alberta, Calgary (the “Court”)
Protocol for the Conduct of a Virtual JDR (VJDR) Phases 2 and 3**

Effective upon release to the public, this Protocol replaces the Phase 1 Protocol released in early May 2020. That Protocol has worked very well with the settlement conferencing process known as Judicial Dispute Resolutions (JDRs) already scheduled in the Court system. This Protocol incorporates lessons learned during Phase 1, and is designed to accommodate the following categories of Family Law Act or Child Protection Court files:

- those where a JDR is already scheduled in the Court system (previously part of Phase 1);
- those where a JDR has been canceled because of the COVID-19 pandemic; and
- all other files where the parties ask for a JDR.

In light of the COVID-19 pandemic and the resulting reduced access to the Calgary Courts Centre, this Protocol is designed to facilitate the conduct of JDRs by means of online technology in a Virtual JDR (VJDR). The term JDR includes a Binding JDR. The term “Virtual” includes participation by telephone.

Based on the Court’s experience during Phase 1, it is extremely important that parties applying for a VJDR comply with the requirements of this Protocol. The implementation of Phase 1 of this Protocol has significantly increased the workload of the Trial Coordinator. That workload has multiplied by the fact that some (primarily members of the Bar) have seen fit not to acknowledge receipt of, much less reply to, correspondence from the Trial Coordinator.

To be clear, the Trial Coordinator is not in a position to follow up with counsel to respond, or to provide lengthy explanations.

Aside from the dis-courtesy of failing to reply to the Trial Coordinator, be reminded that the Trial Coordinator is the agent of the Assistant Chief Judge. Failure to respond to either is unprofessional conduct.

A. Statement of Principles regarding VJDRs. Parties are encouraged to consider all forms of Alternative Dispute Resolution, including VJDRs, in light of the Court’s increasing COVID-19-related lead times, and the uncertainty facing all citizens of Alberta during this pandemic. Please note the following principles:

1. Phase 1. Currently-scheduled JDRs. As of May 5, 2020 parties to any scheduled JDR are provided the opportunity to have their JDR conducted as a VJDR.

2. Phase 2. Where a previously-scheduled JDR has been canceled because of COVID-19. Between approximately March 19, 2020 and May 5, 2020 all scheduled JDRs were canceled because of the onset of the pandemic. As of June 1, 2020 parties who fall into this category may apply to have their JDR re-scheduled as a VJDR. Please note that scheduled JDRs which did not proceed after May 5 for whatever reason are not eligible to apply under Phase 2.
 3. Phase 3. Files which are not eligible under Phases 1 or 2. All parties who are not eligible under Phases 1 or 2 may apply as of July 1, 2020 to have a VJDR scheduled. Note that parties eligible under Phase 1 (where a JDR has already been scheduled) may not apply to have their JDR advanced to an earlier date.
- B. Eligible Matters. Any Family or Child Protection matter filed in the Calgary Family and Youth Division of the Provincial Court of Alberta is eligible for a VJDR where all parties consent and:
1. All parties are represented by lawyers; or
 2. In Phases 1 and 2 at least one party or child is represented by a lawyer; and
 3. A self-represented party has demonstrated to a lawyer on the file the ability to participate in a virtual meeting; except that
 4. In Phase 3, two or more self-represented parties may request a VJDR where all parties are able to participate in a virtual meeting.
- C. Pre-VJDR Phase 1. Unless specifically directed otherwise by the Trial Coordinator in writing, no less than 5 days before the VJDR one lawyer only (previously “all lawyers”) shall communicate to the Trial Coordinator at TrialCoordinator.FYCalgary@albertacourts.ca, the information set out below. Failure to comply with this deadline will result in the cancellation of the VJDR.

This does not mean that one lawyer must do all the work. It does mean that one lawyer (ordinarily the first-in-time Applicant) is to forward one email to the TC which may include attachments, summaries, notes or other materials submitted by the other parties. The email forwarded to the Trial Coordinator must include the following, if applicable:

1. An email “Subject” line containing the last names of the parties, the Court File Number, the word “VJDR” and the date and time of the scheduled JDR;
2. Confirmation that based on recent communications, all parties are aware of and prepared to participate in the VJDR at the scheduled time;
3. A brief summary of background information relevant to the issue(s) to be dealt with at the VJDR;

4. A copy of the party's Claim, Application or Response and any relevant court orders;
 5. An Update Statement (optional) which does not have to be sworn or affirmed before a notary as long as it contains words to the effect that "I solemnly promise that this Statement is true to the best of my knowledge (It will be the lawyer's responsibility to have the client formally affirm the Statement at the VJDR);
 6. Where child or spousal support are at issue:
 - i. All relevant financial disclosure;
 - ii. ChildView or other calculations of the appropriate amount of support; and
 - iii. If at issue, each party's calculation of arrears or retroactive support;
 7. A draft of the Court Order each party is seeking;
 8. If the matter is set for a Binding JDR, a copy of the signed Binding JDR agreement; and
 9. The names, email addresses and phone number of the lawyer or self-represented party.
- D. Form of Application, Phases 2 and 3. Applications for a VJDR in Phases 2 and 3 must be submitted to the Trial Coordinator at TrialCoordinator.FYCalgary@albertacourts.ca using the VJDR Bring Forward Request attached as Appendix A . Once the Trial Coordinator has scheduled a VJDR, and return docket date, the parties must comply with the requirements of item C above.
- E. Failure to Comply or to Participate. If the parties fail to comply with item C the VJDR be canceled without notice. Once a VJDR is scheduled, a party or lawyer who fails to attend the VJDR without a legitimate excuse may have Costs ordered against them.
- F. Basic Process and Rules. The following basic process and rules apply to a VJDR:
1. A link will be emailed to counsel and to self-represented parties, inviting them to attend a Zoom meeting at the date and time scheduled for the VJDR;
 2. If the link is emailed directly to counsel by the assigned VJDR judge, please treat the judge's contact information in confidence;
 3. Accept the VJDR meeting invitation as soon as possible after you receive it;
 4. Lawyers are to forward the meeting link to their client(s) AND any self-represented parties;
 5. All participants are encouraged to sign into the Zoom VJDR meeting 5 minutes before the scheduled start time and wait to be admitted;

6. All participants must have upgraded to Zoom 5.0. After approximately May 30, 2020 participation in Zoom meetings will not be possible without Zoom 5.0;
7. Recording or taking screen shots of the VJDR are prohibited;
8. Liquid refreshments are permitted during the VJDR, but please, no food; and
9. Focus on courteous, productive, resolution-focused communication.

Appendix
(see following pages)

**VIRTUAL JDR (VJDR) or VIRTUAL BINDING JDR (VBJDR) BRING FORWARD
REQUEST
and COURT FILE ENDORSEMENT SHEET**

Please send completed form to TrialCoordinator.FYCalgary@albertacourts.ca with a copy to all parties

Date: _____

File No.: _____

Clerk's Stamp

Applicant(s): _____

Respondent(s): _____

Matter currently set for (date): _____ Time: _____ am/pm Courtroom: _____

Indicate who is representing whom. Self-represented parties may indicate "Self" after "Representing the Applicant(s)/Respondent(s)". Use additional page if necessary.

Applicant(s): _____

Respondent(s): _____

Name: _____

Name: _____

Email: _____

Email: _____

Phone: _____

Phone: _____

Representing the Applicant(s)/Other

Representing the Respondent(s):

Name: _____

Name: _____

Email: _____

Email: _____

Phone: _____

Phone: _____

(Initial every applicable section. Incomplete Requests will not be accepted.)

___ With the consent of all parties, I (name) _____, request that a ___ Virtual JDR or ___ Virtual BJDR be scheduled on this File.

This file falls into the following category according to the Court's Protocol Phases 1-3:
(Check one)

___ Phase 2 in that it was previously scheduled for a JDR on (date) _____ at (time) _____ and was adjourned because of the Court's COVID-19 10-week adjournment policy; or

___ Phase 3 in that it is not currently scheduled for a JDR

Previous JDR(s) (Check one)

___ There has/have been no previous JDR(s) on this File: or

___ There has/have been the following JDR(s) on this File:

___ On (date) _____ with Judge _____
___ On (date) _____ with Judge _____

___ Judge(s) disqualified on this
File: _____

___ Dates all parties are available: Within the next 30-45 days:

Within the next 46-60 days _____; More than 60 days
out: _____

___ The parties seek a Virtual Binding JDR the signed BJDR Agreement, amended to include consent to the process being conducted virtually, is submitted along with this Request.

Trial (Check one)

___ This file is not yet scheduled for trial; or

___ This file is currently scheduled for trial to begin on (dates) _____ before Judge _____ for _____ days.

Signed this _____ day of _____ 202__

For Office Use only:

This matter will be brought forward for a Virtual JDR on the _____ day of _____, 202____
and to a return docket date of the _____ day of _____, 202 ____, in CR _____

in _____ at _____ am/pm in Courtroom # _____.