

Newsletter # 7

Welcome to the first 2013 issue of the Mediation Newsletter. I hope all of you enjoyed a restful holiday break. As promised in my last newsletter, I will address some comments on the office of the Dispute Resolution Officer "DRO".

The DRO programme has been in place in Toronto for some years and has proven very effective in readying parties for litigation in Motions to Change, or in some cases, in resolving disputes altogether. In 2011 the DRO programme was expanded beyond Toronto to Brampton, Milton and Newmarket. DROs are appointed by the Regional Senior Justice and Senior Family Justice, and are lawyers who have considerable experience in family law matters. I have had the pleasure of serving as a DRO since the inception of the programme in Newmarket.

All parties to a Motion to Change must first appear before a DRO. The DRO is mandated at, a first case conference, with assisting the parties with issues such as documentary disclosure, identifying and narrowing the issues, and where possible, and only on consent, settling the case in its entirety. If the matter is not settled, the DRO may then send the parties to a judge for another case conference, a settlement conference or a motion.

Pursuant to a recent Practice Direction, a judge may now send parties to a DRO for a case conference in Motions other than Motions to Change. DROs cannot make Orders, but can only assist parties in reaching a consensus, which may lead to an Order being signed by a judge. Clearly, the process in assisting parties in this fashion is akin to mediation.

The advantages to the parties include saving time and expense by narrowing issues or resolving disputes in their entirety, and also participating actively in the resolution of their dispute. The judiciary is also advantaged. Motions lists have been reduced, since matters such as documentary disclosure have often been resolved prior to the matter coming before them, and in some cases, the matter has been settled without the need for a further court appearance. The DRO programme is a win-win.



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Warren Mediation Group provides Alternative Dispute Resolution, Family Mediation/Arbitration, Estate Law Mediation/Arbitration, Commercial Mediation/Arbitration and other ADR services in the Greater Toronto Area, York, Simcoe, Peel and Durham Regions.