

ESTABLISHMENT OF A PILOT PROGRAM IN CRIMINAL MATTERS

The Quebec Court of Appeal, the Quebec Superior Court and the Court of Quebec have together adopted a common judicial policy to establish a pilot program for "**Pre-trial management conferences and facilitation conferences in criminal matters**".

The eighteen-month pilot program will begin on March 1, 2004 and will allow parties to a criminal case to meet with a judge who will facilitate the progress of the file by holding criminal case management conference or a criminal case facilitation conference in accordance with rules of practice established by each court.

The **management conference** will ensure that the criminal case is heard promptly and efficiently, and, if the circumstances permit, that it is settled to the parties' satisfaction.

The **facilitation conference** will allow the parties to a criminal case, on a voluntary basis, to jointly request the participation of a judge to facilitate the attainment of a solution that suits both parties and that may be sanctioned by the court.

The judge who presides at a facilitation conference may do so upon the joint request of the Crown and the defence, which must be signed by all counsel, and which must be accompanied by the documents they expect will be necessary for the holding of the conference.

The facilitation conference in criminal matters may consider any issue related to a criminal case, including the determination of a sentence.

In the event the facilitation conference does not result in a settlement, the judge who presided at it may not preside at the criminal trial.

Confidentiality is essential to facilitation conferences in criminal matters, and the parties must explicitly agree that all discussions that take place at them remain completely confidential.

Pre-trial management conferences and facilitation conferences in criminal matters that are conducted in the context of the pilot program will be presided by judges acting as mediators who will have received training provided by the **National Judicial Institute** under the supervision of **Madam Justice Louise Otis** of the Quebec Court of Appeal and which will be implemented by the **University of Sherbrooke**.

A joint advisory committee has been constituted for the supervision and periodic evaluation of the pilot program.

J.J. Michel Robert
Chief Justice of Quebec
Court of Appeal

Lyse Lemieux
Chief Justice
Superior Court

Guy Gagnon
Chief Justice
Court of Quebec

March 1st, 2004