



THE CANADIAN BAR ASSOCIATION

L'ASSOCIATION DU BARREAU CANADIEN

New Brunswick Branch • Division du Nouveau-Brunswick



Alternate Dispute Resolution Updates

Mécanismes de règlement des conflits : Mise à jour

English Session
Séance en anglais

April 19 avril 2011
Delta Brunswick, Saint John
McAvity Room

8:30 am - 12 pm
8h30 à 12h

Co-chairs / Co-animatrices :

Ellen Desmond - NB Energy & Utilities Board, Saint John
Moiria Goodfellow - Office of Human Resources, Fredericton

Program / Programme :

The new Family Law pilot project

Debbie Hackett - Court of Queen's Bench of NB, Saint John

I will be providing an overview of the background and objectives of the Saint John Family Law pilot project, the elements of the pilot model, and the experience to date. My update will focus on how the pilot project makes use of alternative dispute resolution processes and alternatives to the regular court process to help parties resolve family law issues in a more timely and less adversarial manner.

The New Brunswick Family Mediation Service Program

Aaron J. Bourque B.A., LL.B., LL.M. - New Brunswick Family Mediation Service

The New Brunswick Family Mediation Service Program has been in operation since September of 2010.

It is a free mediation service for families experiencing separation and divorce and is aimed at helping families decide issues like custody, access, and child support. It is based in the community, rather than court-connected, and can help separated parents who want to avoid litigation and is an alternative to court. Family Service Moncton, a not for profit corporation, has contracted with the Department of Justice and Consumer Affairs to deliver this program through its roster of family mediators in each judicial district except Saint John.

The Domestic Violence Court

Joanne Boucher - Justice and Consumer Affairs - Court Services, Moncton

The Domestic Violence Court has been operational in the Moncton Region since April 2007. On March 31, 2011, the DV Court was made permanent following a four year pilot project. The presentation will elaborate on the goals, objectives and components of the DV Court and what could be expected by Counsel when one of their clients appear before the DV Court.

The Mental Health Court

Margaret Gallagher - Legal Aid Services Commission, Saint John

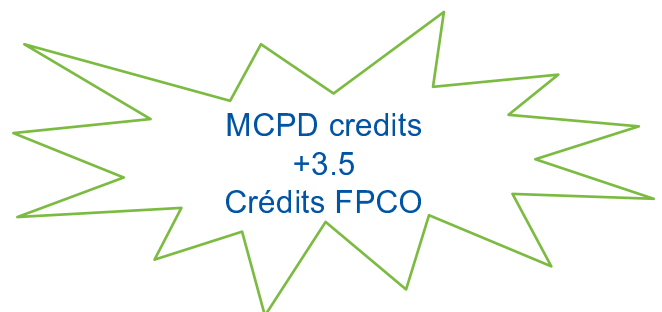
The Saint John Mental Health Court has been operating since November of 2000. It began as a pilot project to address the fact that large numbers of persons charged with criminal offences suffered from a mental illness, which resulted in criminal activity.

Established procedures did not adequately address the special needs of the mentally ill, for whom incarceration was not appropriate. Using a team approach, the Saint John Mental Health Court looked for alternatives to the traditional court process. This required interaction by a number of community players, including mental health professionals. Importantly, it also calls upon an accused to be accountable for his or her behavior, and to comply with conditions. The result is one that has since been followed in other jurisdictions.

The Franchise Act

Michael Melvin - McInnes Cooper, Fredericton

The Franchises Act, which came into force on February 1, 2011, creates a mediation process for resolving franchise disputes the details of which are set out in the Mediation Regulation - Franchises Act. Although the mediation process created by the Act is uncomplicated, it does contain some mandatory elements and may it be complicated in practice by application of the duty of "fair dealing" imposed by the Act. This session will provide an overview of the mediation process created by the Act and briefly consider some possible complications associated with it.



Registration Form Formulaire d'inscription



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Registration Fee Refund: There will be a 20% administration charge on any cancellations received in writing by the CBA Branch office up to three (3) business days before the program. No refunds after that, although materials, if any, will be forwarded. Registration substitution is permitted. ABC-NB-CBA reserves the right to cancel sessions due to low registration.

Votre participation à cette séance de formation vous vaudra **3.5 heures** de crédits de formation professionnelle continue

Participating in this session will give you an additional **3.5** professional development credit hours



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