**JOINT REQUEST FOR A FACILITATION CONFERENCE
IN CRIMINAL MATTERS**



**BEFORE A RETIRED JUDGE**

**DISTRICT OF: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_­­­­­­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**FILE No.: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_­­­­­­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**PROSECUTOR: ­­­­­­­­­­­­­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_­­­­­­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**DEFENDANT: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_­­­­­­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

1. **FACILITATION**
* We hereby present this joint request for a facilitation conference in criminal matters to seek a resolution to our case by entering an agreement to be submitted to the Court.
* By submitting this joint request, counsel for the defendant confirms having been mandated by his or her client to participate in this facilitation conference for the purpose of settling the file.
* We understand that we waive the possibility of invoking the delay caused by the facilitation conference in criminal matters.
* We undertake to constitute a summary record that will be filed with the office of the coordinating judge of the Criminal Division, in Québec or in Montreal, as soon as possible after the request for facilitation is made. This record will include the indictment(s) and a summary of the facts of the case. If any minutes, exhibits, or excerpts from the stenographic notes of related proceedings appear to us to be relevant to the settlement of this case, we understand that it is our responsibility to submit them.
* We undertake to remain available for the entire duration of the facilitation conference; we also undertake to respect the confidential nature of all discussions that take place during the conference, including telephone conferences, videoconferences, plenary sessions, and individual meetings, as well as all documents submitted during the conference. We, the undersigned, understand that facilitation is a voluntary process intended to allow the parties to find a resolution to the case by entering an agreement to be submitted to the Court.
1. ROle OF THE RETIRED JUDGE PRESIDING THE FACILITATION

We acknowledge that the retired judge presiding the facilitation will help the parties to:

* discuss;
* clarify their positions;
* identify the sources of the problem;
* identify their needs and their interests;
* explore possible solutions.
1. Impartiality

At all times, the retired judge presiding the facilitation will act in a neutral and impartial manner. We acknowledge that although the retired judge has legal training, he or she will not provide any legal advice or opinions with respect to our respective obligations and rights.

1. Confidentiality

The retired judge presiding the facilitation undertakes to maintain confidentiality and may not disclose or communicate this information to any person, except for the purposes of research, education, statistics, or the general assessment of the dispute prevention and resolution process or its outcomes. In such case, no personal information will be disclosed.

1. NON-COMPELLABILITY

We understand that we will not be able to call the retired judge presiding the facilitation as a witness in the event of arbitration, administrative, or legal proceedings, including for testimony on the terms or scope of an agreement.

1. immunity from prosecution

No civil liability action may be brought against the retired judge presiding the facilitation for acts or omissions committed in good faith in the exercise of his or her duties.

1. SEPARATE MEETINGS (caucus)

The retired judge presiding the facilitation will establish the applicable rules and any measures to facilitate its conduct, such as meeting with the parties separately.

1. ConfidentialitY OF THE protocol

This protocol is confidential.

***WE ACCEPT THE TERMS OF THIS PROTOCOL, AND WE SIGN:***

In \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ , on this \_\_\_\_\_\_\_\_\_\_\_ day of the month of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of the year \_\_\_\_\_\_\_\_\_\_\_\_ .

**Name of counsel for the prosecution Name of counsel for the defendant**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

*Signature of counsel Signature of counsel*

Address: **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** Address: **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

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Telephone: **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** Telephone: **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Email: **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** Email: **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

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| --- |
| **SPACE RESERVED FOR THE COORDINATING JUDGE**Facilitation conference in criminal matters held before a retired judge, in \_\_\_\_\_\_\_\_\_\_\_\_\_\_, on this \_\_\_\_\_day of the month of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of the year \_\_\_\_\_\_\_\_\_\_\_\_ .\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Retired Judge |