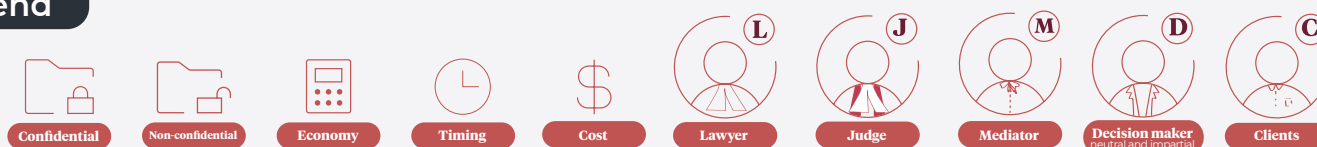




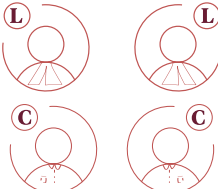

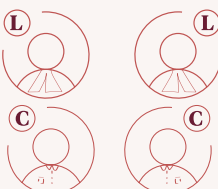

# Dispute Prevention and Resolution processes (DPR)

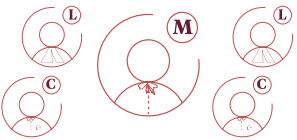

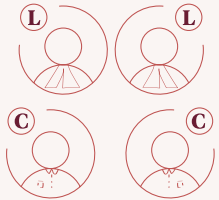



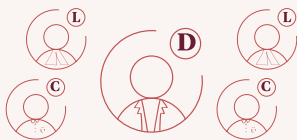

This table outlines the dispute prevention and resolution processes (DPR) commonly used in the province of Québec, ranked by the level of client involvement in reaching a solution (from most active to least).

## Legend

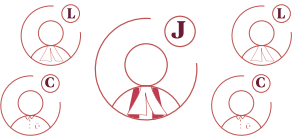

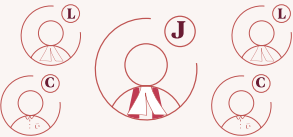



\*Lawyer's presence optional

PROCESS	DESCRIPTION	PARTICIPANTS	SPECIFICATIONS	APPLICATION	SITUATIONS
<b>PREVENTION</b> 	Seeking legal advice before taking action, signing a document, or making a decision to ensure that informed choices are made.	<ul style="list-style-type: none"> <li>• Client</li> <li>• Lawyer</li> </ul>		Before taking action that could trigger a dispute or escalate into a legal dispute.	In any situation involving legal matters, including incorporating a company, drafting an agreement, getting married, entering a civil union, buying or selling a house, etc.
<b>NEGOTIATION</b> 	Reasoned negotiation process based on identifying the needs and interests of all parties. This process involves dialogue, collaboration, and sharing all relevant information with the objective of developing innovative and customized solutions.	<ul style="list-style-type: none"> <li>• Clients</li> <li>• Lawyers*</li> </ul>		At all times, to prevent potential conflicts, when they arise, before or during legal proceedings.	In any situation, whether they involve civil, commercial, family or other matters.
<b>AGREEMENT TO A PRE-COURT PROTOCOL</b> 	By agreeing to a pre-court protocol, the parties are encouraged to share information, assess the merits of their case, and work towards the settlement of disputes.	<ul style="list-style-type: none"> <li>• Clients</li> <li>• Lawyers*</li> </ul>		Before initiating legal proceedings.	In many areas such as liability, construction, insurance, etc.

PROCESS	DESCRIPTION	PARTICIPANTS	SPECIFICATIONS	APPLICATION	SITUATIONS
<p><b>PREVENTION</b></p> 	<p>A mediator who remains neutral and impartial, whether chosen by the parties or not, facilitates the communication and guides the parties towards a satisfactory outcome.</p> <p>When mediation incurs a fee, the costs are divided between the parties.</p>	<ul style="list-style-type: none"> <li>• Clients</li> <li>• Lawyers*</li> <li>• Mediator</li> </ul> <p><b>Note :</b> In some cases, mediators must be certified.</p>		<p>At all times, to prevent potential conflicts, when they arise, before or during legal proceedings.</p>	<p>In any situation, whether they involve civil, commercial, family or other matters.</p> <p>Subsidies are available for mediation in several areas.</p>
<p><b>COLLABORATIVE LAW</b></p> 	<p>Formal, contractually defined process applying reasoned negotiation.</p> <p>Both parties must commit to collaboration and disclosure of all information.</p> <p>If this approach is unsuccessful, the collaborative lawyers are disqualified from representing the parties in legal proceedings.</p>	<ul style="list-style-type: none"> <li>• Clients</li> <li>• Collaborative lawyers (active role)</li> </ul> <p><b>Note :</b> Lawyers must complete specific training to act as collaborative lawyers.</p>		<p>As soon as a conflict arises, before initiating legal proceedings, and even in a specific format during legal proceedings.</p>	<p>In any situation, whether they involve civil, commercial, communication, family or other matters.</p> <p>For clients in a more fragile position who wish to be represented by their lawyer and reach an agreement.</p> <p>In more complex situations where confidentiality is a critical factor.</p> <p>When the parties seek an out-of-court solution and are willing to work together.</p>
<p><b>MEDIATION-ARBITRATION</b></p> 	<p>The parties sign an agreement outlining the mediator's role and the arbitration process should negotiations stall.</p> <p>The decision is final and not subject to appeal, except in certain circumstances.</p> <p>Replaces the trial.</p>	<ul style="list-style-type: none"> <li>• Clients</li> <li>• Lawyers*</li> <li>• Mediator-arbitrator</li> </ul>		<p>As soon as a conflict arises.</p> <p>If started during legal proceedings, the mediation-arbitration process may put an end to the legal proceedings.</p>	<p>In any situation involving various matters, except family law.</p> <p>This process is appropriate to resolve conflicts within or between companies, as settlements deliver fast results through an agreement or arbitration award.</p>
<p><b>ARBITRATION</b></p> 	<p>This process draws inspiration from the trial but replaces it.</p> <p>The parties have the authority to choose the procedure and the arbitrator(s).</p> <p>The arbitrator may or may not be specialized in the specific area.</p> <p>The decision is final and not subject to appeal, except in certain circumstances.</p> <p>Arbitration may be contractually provided for.</p>	<ul style="list-style-type: none"> <li>• Clients</li> <li>• Lawyers*</li> <li>• Arbitrator(s)</li> </ul>		<p>As soon as a conflict arises.</p> <p>Serves as an alternative or substitute to trial.</p>	<p>In any situation involving various matters, except family law.</p> <p>When a more expedited judgment is sought, though it cannot be guaranteed.</p> <p>When specific expertise is required from the decision maker(s).</p> <p>In any confidential mandate.</p>

**The two mechanisms below** are dispute resolution processes implying that legal proceedings are already in progress. These mechanisms are used when dispute prevention and resolution processes have been unsuccessful.

PROCESS	DESCRIPTION	PARTICIPANTS	SPECIFICATIONS	APPLICATION	SITUATIONS
<p><b>SETTLEMENT CONFERENCE</b></p> 	<p>A mechanism inspired by the mediation process executed under the supervision of a judge acting as a conciliator.</p> <p>The judge will be disqualified should a trial occur.</p>	<ul style="list-style-type: none"> <li>• Clients</li> <li>• Lawyers*</li> <li>• Judge acting as conciliator</li> </ul>		<p>This option is available or selected during legal proceedings already in progress, subject to the agreement of both parties.</p> <p>After filing of the statement of claim.</p> <p><b>Note :</b> The <i>Code of Civil Procedure</i> provides that parties must consider prevention and resolution processes before referring their dispute to the courts.</p>	<p>In any situation across different areas of law where DPR processes have been unsuccessful and legal proceedings have been initiated.</p>
<p><b>TRIAL</b></p> 	<p>A formal, multi-step procedure where the outcome is determined by decision of a judge.</p> <p>Public in most cases, with a few exceptions.</p> <p>Decision based on the rule of law.</p>	<ul style="list-style-type: none"> <li>• Clients</li> <li>• Lawyers*</li> <li>• Juge</li> </ul>		<p>As soon as a conflict arises, but only after considering the application of DPR processes.</p> <p><b>Note :</b> The <i>Code of Civil Procedure</i> provides that parties must consider prevention and resolution processes before referring their dispute to the courts.</p>	<p>In all situations where DPR processes have not resulted in the expected outcomes.</p>