

# COLLABORATIVE PRACTICE Toronto

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## Judge W. Ross Foote Interview

Collaborative Practice Toronto, formerly The Collaborative Family Law Association of Ontario - Toronto Group, invited Judge Foote to address a dinner meeting of its members and guests. Among the guests were three Ontario judges, Madam Justice Harriet Sachs of the Ontario Superior Court of Justice, Mr. Justice George Czutrin of the Unified Family Court in Hamilton, and Mr. Justice Harvey Brownstone of the North York Ontario Court. When news arrived that Judge Foote's plane was delayed, our three judges graciously consented to save the evening by giving their impromptu views on Collaborative Family Law, and in the course of doing so, added a valuable component to this presentation.

Judge Foote has traveled to many parts of the United States to both learn about and contribute his own insights to the collaborative process. As a ready learner and enthusiastic teacher, he is doing important work in bringing understanding of this process to the profession as a whole. Judge Foote was to talk about his personal perspectives on the present state of the Collaborative Family Law movement and its future direction by discussing the roles of the various collaborative professionals. Judge Foote consented to have his remarks recorded the following day in an interview format. Marion Korn asked a number of questions that Judge Foote replied to.

During Justice Brownstone's remarks, he mentioned that Judge Foote was also going to address the Ontario Provincial Family Judges at their conference in Muskoka on the following day. Justice Brownstone provides a summary of the comments of his fellow Provincial Judges following Judge Foote's address.



**W. Ross Foote**  
**Judge, Division D 9th Judicial District Court**  
**Rapides Parish, Louisiana**

[Click here to begin listening to the evening meeting](#) of the Ontario judges, members and others guests of the Collaborative Family Law Association of Ontario - Toronto Group discuss Collaborative Family Law with a judicial perspective. The meeting address and responses lasts about 45 minutes.

The three Ontario judges, members and guests spoke in the following order: (The numbers in parentheses indicate the time, *min* :*sec*, that the question was asked during the interview. They are included to easily follow the progress of the interview or to locate certain areas of interest.)

- Justice Brownstone address (1:30)
- Justice Czutrin address (8:18)
- Justice Saks address (14:27)
- Judith L. Huddart - comments and question (18:17)
- Justice Czutrin response (22:34)
- Anne Marie Horne comment (25:27)
- Nancy MacIvor (25:58)
- Joe Sloniowski question (27:18)
- Justice Brownstone response (28:04)
- Jim MacDonald question (30:40)
- Judith Huddart response (31:38)
- Ann Nelson comments (32:57)
- Harvey Steinberg response (35:49)
- Justice Brownstone another response (38:00)
- Victoria Smith comments (39:21)
- Jim MacDonald comment (42:33)
- Jim MacDonald closing comments (44:47)

[Click here to begin listening to Judge Foote](#) The Interview lasts about 35 minutes.

Marion asked Judge Foote the following questions:

(The numbers in parentheses indicate the time, *min* :*sec*, that the question was asked during the interview. They are included to easily follow the progress of the interview or to locate certain areas of interest.)

1. What brings you, as a judge, to support Collaborative Law so passionately? (00:22)
2. Judge Foote, if all goes well, we (lawyers) will not be seeing you in court. What is it that you would like to tell us? (04:43)

3. Are you suggesting that you do not think that lawyers should be in charge of divorce? (06:55)
4. Given your involvement in the movement and the amount of time and energy you have devoted, what exactly is your definition of a Collaborative Professional? (07:44)
5. Why do you think that we should care about the hallmarks of a profession? (11:53)
6. Can you help us in Toronto to understand exactly what you see the role of the judge to be in terms of the Collaborative Law movement? (18:14)
7. Judge Foote, what advice would you give the legal profession on how they can convince the judiciary that they have a role to play in Collaborative Law? (26:16)
8. We know that you have been instrumental in promoting Collaborative Law in your community of Alexandria, Louisiana. Can you tell us about the origins of your involvement and bring us up to date? Web site address Judge Foote referenced: [www.familycourts.org](http://www.familycourts.org) (29:09)

[Click here to begin listening to Justice Brownstone's summary](#) of the comments of his fellow provincial judges following Judge Foote's address. The comments last about 11 minutes.

Judge Foote requested that the Ontario Family Court Judges consider:

- enforcing the Collaborative Family law protocols;
- endorsing Collaborative Family Law to the legal profession and
- endorsing Collaborative Family Law to the public. (0:20)

Judge Brownstone summarizes the responses of the judges to the following hypothetical situations:

1. Would a judge feel comfortable publicly endorsing Collaborative Family Law. (4:04)
2. Would a judge agree to give an opinion about an issue that was holding up settlement of a CFL case? (4:36)
3. During a CFL case, one of the parties secretly engages another lawyer when they become dissatisfied with the process. That party stops the CFL negotiations and serves the other side with a motion to go to court on very short notice. What would a judge do with the motion? (5:34)
4. Following a successful CFL case, one of the parties brings a motion to vary the child support because the other side is not fulfilling their responsibilities completely. How would a judge respond to this variance motion for child support? (6:07)

5. When a CFL case breaks down and the parties go to court, can all communications and documents from the CFL case be considered privileged or can they be adduced before the judge? Can the CFL lawyers, now discharged, be subpoenaed? (7:08)
6. While a couple is battling over custody of their young child and it becomes clear to a judge that the lawyers are so hostile that their personal battle is taking over, might a judge recommend that the parties try the CFL process? (8:08)
7. A CFL case breaks down and the case goes to court. The successful party asks for CFL and court costs. What costs would a judge allow? (10:11)