

FINANCIAL EARLY NEUTRAL EVALUATION (FENE)

- Is a form of alternative dispute resolution (ADR).
- Is an expedited, voluntary, and confidential evaluative process designed to facilitate prompt dispute resolution of financial issues, such as property, debt, child support, and spousal maintenance.
- May only be ordered by the Court at the Initial Case Management Conference.
- Offers the evaluative impressions of an experienced attorney or accountant to the parties based on case presentations and a limited amount of information gathered at the FENE session.

BENEFITS OF AN FENE:

- Both parties will hear a neutral opinion from an experienced professional as to each party's likelihood of success at trial.
- FENE helps parties focus on the issues of the case in a confidential, non-confrontational, and settlement-oriented environment.
- Cases can be resolved quickly and can save money in attorneys' fees and court costs.

THE FENE PROCESS:

- An experienced attorney or accountant ("the evaluator") is assigned to the case. The first meeting with the evaluator typically occurs within 30-60 days of the ICMC. The parties will present the important financial issues in the case to the evaluator.
- The parties may meet with the evaluator for one or more sessions. The evaluator will provide immediate feedback about the parties' case, and settlement possibilities will be explored.
- The evaluator may not be called as a witness. The recommendations of the evaluator and any statements of settlement or compromise made in the FENE process are confidential and may not be communicated to the court. The evaluator may communicate with the court during the FENE for the limited purpose of facilitating case management, and obtaining direction from the court on how to address issues that may require further assessment. If a full or partial settlement is reached, the evaluators will notify the court of the same.
- If the case does not settle through the FENE process, the evaluator may identify important issues that require additional study. The evaluator will inform the court that the case did not settle, but *will not* report the content of the FENE to the court. With the parties' written consent, the evaluator may suggest another ADR process to the court.
- If the FENE is unsuccessful, a scheduling order will be issued by the court.