

STATE OF MINNESOTA

IN SUPREME COURT

ADM-04-8002

OFFICE OF  
APPELLATE COURTS

APR 23 2004

FILED

**IN RE FAMILY COURT EARLY CASE  
MANAGEMENT AND ADR BEST PRACTICE  
GUIDELINES AND VOLUNTEER PILOT  
PROJECTS IN FIRST, SECOND, FOURTH,  
CASS COUNTY IN THE NINTH AND  
THE TENTH JUDICIAL DISTRICTS**

**ORDER**

The Ad Hoc Work Group on Family Court Early Case Management has recommended that this Court authorize the First, Second, Fourth, Cass County in the Ninth and the Tenth Judicial Districts to conduct pilot projects on Family Court Early Case Management incorporating Best Practices Guidelines for the management of family court cases.

The Work Group consisted of a number of district court judges and court administration staff, and was chaired by Associate Justice James H. Gilbert and assisted by Supreme Court staff. A focus group of experienced family law practitioners in the metropolitan area also met to discuss concerns and possible Best Practices from their perspective. Studies on a national level were also reviewed from various courts around the country that have been implementing some of the family court early case management Best Practices. The overriding goal of this prototype is to facilitate an efficient, amicable, and cost-effective model for resolving family law disputes, which will result in cost savings for both the private sector and public sector and lead to fewer post-judgment motions to amend decrees and fewer appeals.

These five judicial districts have been selected for this pilot project because of the volume of cases within their districts and / or the need for timely, meaningful reform in light of budget constraints.

**IT IS HEREBY ORDERED THAT:**

1. Individual judicial officers within the First, Second, Fourth, Cass County in the Ninth and the Tenth Judicial Districts are authorized on a voluntary discretionary basis to conduct pilot projects in accordance with the attached Best Practices Guidelines.
2. The attached Best Practices Guidelines shall apply only to pilot project family cases in the First, Second, Fourth, Cass County in the Ninth and the Tenth Judicial Districts.
3. Judicial officers in the remaining five districts throughout the state and those in the First, Second, Fourth, Cass County in the Ninth and the Tenth Judicial Districts who choose not to participate in the pilot projects are also encouraged to utilize all or portions of these Best Practices Guidelines and forms where practicable. Each agreement by litigants to utilize all or

portions of the recommended techniques set forth in paragraph 4 of the attached Best Practices Guidelines must be memorialized in an order.

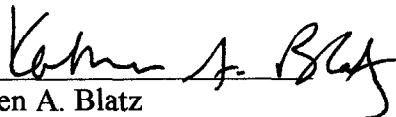
4. To the extent that the attached Best Practices Guidelines are inconsistent with other rules of this Court, the Best Practices Guidelines shall supersede those other rules during the time that a case is assigned to a pilot project. The use of these Best Practices shall be noted in the record on cases subject to these practices.

5. Each pilot project court or district will determine the appropriate form and manner of evaluating the pilot project in that court or district, and Supreme Court research and evaluation staff will be available for consultation with pilot project courts for that purpose. Evaluation should generally focus on gauging the success of the pilot project in expediting the resolution of litigation, reducing acrimony, reducing costs to litigants, and better utilizing judicial and administrative staff resources.

6. The attached form may also be utilized or modified as appropriate by the judicial officers who decide to utilize these case management Best Practices Guidelines.

Dated: April 23, 2004

By the Court:

  
\_\_\_\_\_  
Kathleen A. Blatz  
Chief Justice

## **FAMILY COURT EARLY CASE MANAGEMENT BEST PRACTICES RECOMMENDED GUIDELINES**

The Ad Hoc Work Group on Family Court Early Case Management recommends the following best practices guidelines for voluntarily implementing pilot projects in the First, Second, Fourth, Cass County in the Ninth and the Tenth Judicial Districts:

1. This pilot project is designed to expedite resolution of litigation, reduce acrimony among the parties, reduce costs to family court litigants by peacefully resolving disputes, and reduce the number of appeals and post judgment motions to modify decrees.
2. Pilot Courts should endeavor to implement some form of initial or early case management conference. Under this model, the case management conference should occur as soon as possible after a case is filed in order to allow the court to exercise early control over the case, set the tone of the litigation and control costs.
3. Pilot Courts should be prepared to shift judicial resources by committing more of the judicial officer's time at the front end of family cases in order to more effectively and efficiently manage each case to resolution of some or all of the disputed issues.
4. Judges presiding in Pilot Project cases should be prepared to engage the parties and counsel early on in discussions designed to set an informal, cooperative, settlement-oriented, problem-solving approach by actively encouraging and/or utilizing the following:
  - ▶ Use of neutral experts to value disputed assets and imposition of very prompt deadlines for completing expert reports;
  - ▶ Informal, but rigorously enforced, prompt discovery and voluntary exchange of relevant information;
  - ▶ Agreements resolving topics that traditionally dominate motions for temporary relief such as temporary occupancy of the homestead, temporary possession of vehicles, maintenance of the insurance status quo, etc.
  - ▶ Compromise / agreement regarding temporary family support;
  - ▶ Compromise / agreement regarding temporary social issues; and
  - ▶ An agreement to submit any remaining temporary issues to the court in an informal manner;
  - ▶ Issuing a judicial order that memorializes any agreements, both substantive and procedural.
5. Pilot Courts should expand their awareness of and recommend services that support the early case management process and reduce the number of post-decree disputes and motions for relief. (Examples include (a) [www.ourfamilywizard.com](http://www.ourfamilywizard.com) and (b) use of a "Ready Response" Family Court Services Representative, who is available on short notice to help resolve fact issues.)
6. Pilot Courts should attempt to implement as many of these early case management best practices guidelines as possible consistent with the available district court resources.

**PROTOTYPE DRAFT**

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL DISTRICT

FAMILY DIVISION

In Re the Marriage of:

Court File No. DC \_\_\_\_\_

\_\_\_\_\_,

Petitioner,

and

**INITIAL CASE CONFERENCE ORDER**

\_\_\_\_\_,

Respondent.

The above-entitled matter came duly on before Judge \_\_\_\_\_ on \_\_\_\_\_, 200\_\_, for an initial case management conference. \_\_\_\_\_, Esq. appeared on behalf of Petitioner who also appeared and \_\_\_\_\_, Esq. appeared on behalf of Respondent who also appeared. The Court met with counsel and the parties and discussed numerous alternate methods for resolving their disputes, narrowing the issues, and crafting a schedule to bring this matter to conclusion in an expeditious manner. Unless otherwise noted, all of the arrangements set forth herein were agreed upon by the parties.

1. Pursuant to the standing Order of the Presiding Judge, the date of the Initial Case Management Conference shall be the statutory valuation date. This designation does not preclude either party from arguing that another date is fair and equitable. See Minn. Stat. § 518.58, subd. 1.

**PROTOTYPE DRAFT**

2. The parties agreed to employ \_\_\_\_\_ as a neutral to value the following property: \_\_\_\_\_. The parties have until \_\_\_\_\_, **200** to designate the neutral. If the parties cannot agree on the neutral, they shall submit the names and resumes of two proposed experts to the Court by the end of the day on \_\_\_\_\_ and the Court will choose the neutral from among the submitted names. The evaluation shall be completed, with copies to the Court, **no later than \_\_\_\_\_, 200**.

2. **No later than \_\_\_\_\_, 200**, parties shall provide to each other a letter (in plain English) requesting whatever information and documents they need to settle or try his case. The requested information and documents shall be provided to the requesting party **no later than \_\_\_\_\_, 200**, unless the providing party conducts a conference call with the Court and the Court determines that the disputed documents need not be provided.

3. The parties may submit any contested temporary issues via informal, letter submissions. Either party may submit directly to the Court, in its chambers, a letter not exceeding four pages, setting forth that party's argument in support of their position. The other party shall have ten (10) days to submit a response thereto unless the parties agree to provide their submissions simultaneously to the Court.

4. If either party intends to use the services of a vocational expert, that expert shall be disclosed **no later than \_\_\_\_\_, 200**. Any necessary intake and testing shall be completed **by \_\_\_\_\_, 200** and the evaluation shall be completed, with copies to the Court **no later than \_\_\_\_\_, 200**.

**PROTOTYPE DRAFT**

5. The parties and their attorneys shall meet and discuss settlement sometime between \_\_\_\_\_, 200\_\_ and \_\_\_\_\_, 200 . Counsel shall conduct a conference call with the Court **no later than \_\_\_\_\_, 200**, to discuss the status of the case and schedule any evidentiary hearing.

6. \_\_\_\_\_ shall continue to provide health insurance for the parties and the minor children until further order of the Court. The parties shall split unreimbursed medical and dental bills for the children until further order of the Court.

7. \_\_\_\_\_ is awarded temporary occupancy of the parties' homestead and shall be responsible for the principal, interest, taxes and insurance (PITI).

8. The parties are awarded temporary possession of the vehicles they currently drive and \_\_\_\_\_ shall maintain the automobile insurance until further order of the Court.

9. As and for temporary (child support – maintenance), \_\_\_\_\_ shall pay to \_\_\_\_\_ the sum of \$ \_\_\_\_\_ in equal monthly installments on the first and fifteenth day of each month.

Dated: \_\_\_\_\_, 200\_\_.

By the Court:

\_\_\_\_\_

Judge of District Court