

STATE OF MINNESOTA

IN SUPREME COURT

CX-89-1863

IN RE FOURTH JUDICIAL DISTRICT
PROGRAM FOR MANDATORY
MEDIATION IN CONCILIATION COURT

ORDER

WHEREAS, by order dated October 29, 1996, this Court established a pilot program in the Fourth Judicial District to evaluate the use of mandatory mediation in conciliation court; and

WHEREAS the Fourth Judicial District submitted a Pilot Project Report dated June 30, 1997, and now desires to resume the use of mandatory mediation in conciliation court cases under the revised Mediation Case Procedure, dated Jan. 27, 1999; and

WHEREAS, conciliation court cases are currently excluded from the scope of mediation under Gen.R.Prac. 114; and

WHEREAS, the Court finds that: (1) the pilot project was successful in resolving conciliation court cases in a manner that minimizes delay and financial burdens for litigants; (2) there is a continuing need to require parties to meet and confer in a mediation setting; and (3) the success of the pilot project and continuing need for the program justify a limited exception to the exclusion of conciliation court cases from the application of mediation under Gen.R.Prac. 114.


NOW, THEREFORE, it is ordered that:

1. The Conciliation Court in the Fourth Judicial District may require the parties in any conciliation court case to participate in court sponsored mediation prior to their initial hearing in conciliation court. If the parties are unable to agree to a settlement of their dispute during the mediation session, the Conciliation Court shall promptly hear the case on the same day as the mediation session.
2. Minn.Gen.R.Prac. 114.07, 114.08 and 114.10 shall apply to mediation conducted pursuant to this order.
3. Only qualified neutrals included on the State Court Administrator's civil neutral roster as provided in Minn.Gen.R.Prac. 114.12 may serve as mediators under this order.
4. The parties shall not be required to pay for mediation conducted pursuant to this order; and
5. The Fourth Judicial District shall continue to monitor the effectiveness of mediation in conciliation court cases, including the number of cases referred to mediation, the number of cases settled, and the impact and on, and perception of, litigants and other participants.
6. The Fourth Judicial District shall work with the Advisory Committee on the General Rules of Practice to develop a published rule that will supersede this order.

7. This order is effective immediately and remains in effect until further order of this Court.

DATED: *March 23*, 1999

BY THE COURT:



Kathleen A. Blatz
Chief Justice

OFFICE OF
APPELLATE COURTS

MAR 23 1999

FILED