

STATE OF MINNESOTA

COUNTY OF HENNEPIN

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HENNEPIN COUNTY DISTRICT COURT
COURT ADMINISTRATION

DISTRICT COURT

FOURTH JUDICIAL DISTRICT

FAMILY COURT DIVISION

ORIGINAL

**In Re: Statutory Valuation
Date in the Fourth Judicial District.**

ORDER

WHEREAS Minnesota Statutes section 518.58 states that:

The court shall value marital assets for purposes of division between the parties as of the day of the initially scheduled prehearing settlement conference, unless a different date is agreed upon by the parties, or unless the court makes specific findings that another date of valuation is fair and equitable;

WHEREAS the Fourth Judicial District instituted a new case management system effective August 2001;

WHEREAS a large portion of the cases managed under the new case management system are handled to conclusion without ever having an appearance that may reasonably be labeled an “initially scheduled prehearing settlement conference” and thus some other appearance or event must be treated as the statutory valuation date;

WHEREAS even before the new case management system was instituted, judicial officers disagreed regarding what event qualified as the “initially scheduled prehearing settlement conference.” Some judicial officers took the position that “initially scheduled prehearing settlement conference” was the former initial meeting before the arbitration program settlement referee, while other judicial officers took the position that the

“initially scheduled prehearing settlement conference” was the first pretrial before the judge assigned to try the case;

WHEREAS the Presiding Judge who presided over the implementation of the new case management system announced at numerous Bar Association, Family Law Section round tables and other public appearances that the Initial Case Management Conference would be the statutory valuation date;

WHEREAS the Initial Case Management Conference has served as the statutory valuation date in the vast majority of Fourth Judicial District family cases since the case management program was instituted in August 2001;

WHEREAS the designation of the Initial Case Management Conference as the statutory valuation date in the Fourth Judicial District does not preclude either party from persuading individual judicial officers to determine on a case by case basis that “another date of valuation is fair and reasonable”;

WHEREAS litigants always remain free to argue on a case by case basis that the court should adjust the valuation of a particular asset when there has been a substantial change in value since the valuation date; and

WHEREAS initial uniform application of the statutory valuation date will lead to judicial economy and save litigant resources by eliminating any uncertainty regarding the statutory valuation date, along with the attendant litigation, while still retaining each litigant’s ability to request a different date or different asset value as aforesaid.

NOW THEREFORE, IT IS HEREBY ORDERED:

1. The statutory valuation date in the Fourth Judicial District shall remain the Initial Case Management Conference as announced when the case management program began.

Date: November 7, 2003

BY THE COURT



James T. Swenson
Presiding Judge of Family Court
Fourth Judicial District