

SHERBURNE COUNTY FAMILY COURT MODERATED SETTLEMENT CONFERENCE PROGRAM DESCRIPTION

The Minnesota Supreme Court, by its Order dated April 23, 2004, authorized the Tenth Judicial District and all other Districts to implement case management programs designed to expedite resolution of litigation and peacefully resolve disputes. The Sherburne County District Court has implemented a Moderated Settlement Conference program consistent with the Minnesota Supreme Court's Order.

The Moderated Settlement Conference Program (MSC) is a confidential, voluntary evaluative process designed to facilitate dispute resolution in the later stages of family court matters. The program offers the evaluative impressions of experienced attorney-moderators (called MSC Neutrals) to parties engaged in custody, parenting time, and financial disputes. The MSC is held at the Sherburne County Courthouse and is typically completed after the first pretrial in the case. Based on all of the information in the Court file and as provided by counsel or the parties, the MSC Neutral provides an opinion and feedback to the parties and their attorneys and assists in the settlement process. Any agreements reached during this settlement conference will be placed on the record that day.

1. Cases eligible for this process are those that do not settle at the Prehearing Conference. If the parties consent, or if they have not engaged in any other form of alternative dispute resolution, as required by Minnesota Law, the Court will issue an order scheduling the date and time of the MSC. The order will provide the contact information for the MSC Neutral. Attorneys/self-represented parties will be able to select their own MSC Neutral or one will be randomly assigned by Court if requested.
2. The MSC Neutral will have access to the court file, including custody evaluations and any other reports. In addition, attorneys may provide other ex parte information to the MSC Neutral with the restrictions outlined in the attached Order. The opinion of the MSC Neutral is provided to counsel and the parties.
3. There is a cost for participating in the Moderated Settlement Conference. Each party pays a fee to the MSC Neutral. The amount of the fee is determined pursuant to Paragraph 6 of the Moderated Settlement Conference Order. Parties should come prepared to pay for no less than three hours of MSC time. *No checks or credit cards will be accepted by the MSC Neutral unless approved by the MSC Neutral in advance of the session.*
4. Attorneys who will be trying the case and parties meet with the MSC Neutral as specified in the Court's Order. **Each attorney who will be trying the case or self-represented party is asked to present the important issues in the case and to provide documentation for each of their claims.** The MSC Neutral will provide feedback and an opinion as to a likely outcome of the case. Based on that feedback, the parties can work with the moderator to reach agreement on some or all issues.
5. The MSC neutral may request, and attorneys and parties have the option to agree to additional sessions to complete this process. Settlement options for full and partial agreements are discussed. If the case does not settle, the neutral identifies critical issues that may need additional study and also identifies areas of agreement.
6. If a full or partial settlement is reached, the parties will place the substance of those agreements on the record before their assigned judge on the day of the settlement conference. These agreements are final and binding.
7. In addition to reporting full and partial settlements, the MSC neutrals and the attorneys of the parties may meet with the judge as indicated in the attached Order.
8. If the case does not settle completely, the case may be set for an additional pretrial hearing or a trial.