

STATE OF MINNESOTA

IN SUPREME COURT

ADM-04-8002

**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:

/s/ Kathleen A. Blatz
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 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.

THE SUPREME COURT OF MINNESOTA
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August 17, 2005

TO: Chief Judges and District Administrators
FROM: Sue K. Dosal, State Court Administrator
RE: Family Court Early Case Management / Early Neutral Evaluation
Volunteer Pilot Projects

On April 23, 2004, the Chief Justice issued an Order authorizing the First, Second, Fourth, Cass County in the Ninth, and Tenth Judicial Districts to conduct volunteer pilot projects on Family Court Early Case Management that incorporate Best Practices Guidelines (including use of Early Neutral Evaluators) for the management of family court cases. See attached Order No. ADM-04-8002.

It has come to my attention that other districts and/or judges are interested in conducting pilot projects under the Order, and have asked whether it is necessary that the Order be amended to specifically permit them to conduct such pilot projects. I have been asked to clarify the authority for districts/counties not referenced in the order to implement such practices.

Section 1 of the Order provides that, "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." Section 3 of the Order provides that, "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."

The Order is fundamentally permissive in nature, and is intended to authorize individual districts and judges to conduct pilot projects. In addition, Section 3 of the Order specifically encourages judges in both pilot and non-pilot districts and counties to utilize the pilot project Best Practices Guidelines where practicable. Following consultation with the Chief Justice, I am authorized to confirm that the above referenced Order permits other districts and judges to participate in pilot projects under the same conditions as those districts specifically named in the Order.