

Remote Expedited Temporary Relief (RETR) Program

Program Summary: Remote Expedited Temporary Relief (RETR) is a pilot program to assist the District Courts, parties, and lawyers to gain access to temporary relief in light of the case restrictions imposed during the COVID-19 pandemic. This program seeks to provide families expedited temporary relief in a truncated, binding form of ADR. The program was designed by a group of ADR providers to assist litigants with expedited temporary relief in light of the COVID-19 pandemic.

Program Fees: RETR would follow the FENE/MSC model for fees. Parties will pay one-half the rate of their lawyer's hourly rate for this service, which will be capped at four hours.

Process: RETR will work as follows:

1. Parties agree to participate in RETR;
2. Parties choose an ADR provider drawn from existing MSC rosters, or other qualified providers selected by the parties and who agree to work within the requirements of the RETR program. The ADR provider would have to agree to the appointment and perform a conflict check;
3. The Court would approve and issue a stipulated Order for RETR;
4. The process would be truncated in at least three ways: volume of submissions, time limits on the process, and deadlines;
5. An initial, brief telephone or video scheduling call would be held shortly after the parties choose a provider;
6. Temporary submissions would be made to the selected ADR provider;
7. The submissions would be reviewed and a video conference or a telephone conference would be conducted with an opportunity to explore settlement and/or make argument;
8. Parties could attend the video or telephone conference after submissions;
9. A simple (without findings) Temporary Order of Arbitrator would be completed within seven days of the second video or telephone conference;
10. The Order would be non-appealable to the District Court or the Court of Appeals;
11. The parties will submit a Stipulation and Order attaching the RETR Order issued by the ADR provider. The Court will approve and enter into the District Court file.
12. RETR is not available to modify previously issued Court orders of any type, including Orders For Protection, unless agreed by the parties and counsel.
13. Modification could be made in the event of a substantial change in circumstances either by returning to RETR, or if the Courts are back at capacity, by seeking modification in the District Court;
14. A four-hour flat fee (at corresponding rates discussed above) would be charged by the ADR professional. The flat fee would cover an initial scheduling call, review of submissions, video or telephone conference, facilitation of settlement (brief), decision-making, and drafting of a RETR Order;
15. RETR is a Rule 114.02(a)(10) ADR process: other;
16. The RETR program is not intended to modify existing orders;
17. The RETR process is currently designed for parties represented by counsel because the managing of information necessary and the waiver of certain due process rights does not lend itself to self-represented parties.