

## **WASHINGTON 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 Washington 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 Government Center and is typically completed after or at the first pretrial in the case. Based on all of the information in the Court file, 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. The Washington County Bench will decide which cases are appropriate for this process and may communicate this decision via written notice or a telephone conference with counsel. If the attorneys and counsel consent, or if they have not engaged in any other form of alternative dispute resolution as required by Minnesota Law, a court order will notify the parties of the time and date of the Moderated Settlement Conference, which will be held at the Washington County Government Center. The order will provide the contact information for attorneys and parties and for the MSC Neutral. Attorneys will be able to select their own MSC Neutral or one will be randomly assigned.
2. The opinion of the MSC Neutral is provided to parties and their attorneys based on all of the information in the Court file. 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.
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 by taking one-half of the hourly rate he or she is paying his or her attorney. In the event one or both parties is pro se, then it is calculated according to their income and assets. If a person has no or little income or assets, receives cash public assistance, the court may determine that the fee to be paid is \$50.00 for the session.
4. Attorneys and parties meet with the MSC Neutral within the time frame of the Court's Order. Each attorney or pro se party is asked to present the important issues in the case and to provide documentation as and 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.
7. 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.
8. 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 Order, above.
9. If the case does not settle completely, the case may be set for an additional pretrial hearing or a trial.