

## **Tenth Judicial District Family Court Moderated Settlement Conference (MSC) Program Description**

The Minnesota Supreme Court, by its Order dated April 23, 2004, authorized judicial districts to implement case management programs designed to expedite resolution of litigation and peacefully resolve disputes. The District Court in Anoka and Sherburne counties have 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 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 the parties or attorneys if represented, the MSC Neutral provides an opinion, feedback, 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. The parties or attorneys if represented, will be able to select their own MSC Neutral or one will be randomly assigned by the 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 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 3 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 the likely outcome of the case. Based on that feedback, the parties can work with the MSC Neutral 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 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 Neutral and the attorneys of the parties may meet with the judge as indicated in the Order.
8. If the case does not settle completely, the case may be set for an additional pretrial hearing or a trial.