

## **DAKOTA COUNTY FAMILY COURT EVALUATIVE MEDIATION**

### **PROGRAM DESCRIPTION**

The Minnesota Supreme Court, by its Order dated April 23, 2004, authorized the First Judicial District and all other Districts to implement case management programs designed to expedite resolution of litigation and peacefully resolve disputes. The Dakota County District Court has implemented an Evaluative Mediation Program consistent with the Minnesota Supreme Court's Order.

The Evaluative Mediation Program (EMP) 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-mediators (called EMP Neutrals) to parties engaged in custody, parenting time, and financial disputes. The EMP session is held in person or via Zoom 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 EMP Neutral provides an opinion and feedback to the parties and their attorneys and assists in the settlement process. Any agreements reached during the EMP session will be placed on the record that day.

1. Cases eligible for this process are those that are currently scheduled for trial and where combined incomes of both parties is less than \$100,000.
2. The Court will issue an order scheduling the date and time of the EMP.
3. The order will provide the contact information for the EMP Neutral.
4. The EMP Neutral serve as volunteers. EMP Neutrals are not receiving payment for their services.
5. There is no cost for participating in the EMP.
6. Attorneys and parties shall meet with the EMP Neutral as specified in the Court's Order.
7. Each attorney or self-represented party is asked to present the important issues in the case and to provide documentation as and for each of their claims.
8. The opinion of the EMP Neutral is provided to counsel and the parties.
9. The EMP 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 mediator to reach agreement on some or all issues.
10. If a full or partial settlement is reached, the parties will place the substance of those agreements on the record before a Dakota County Judge on the day of the EMP Session. These agreements are final and binding.
11. If the case does not settle completely, any remaining issues will be addressed at Trial.