

Practice for the District Courts. Information not required to be filed with the Court but provided to the moderator shall not be disclosed by the moderator without the verbal consent of the providing party. The moderator may dispose of all notes, records, documents and confidential or substantive correspondence sent to him or her at the conclusion of the MSC. The moderator is authorized to review the Court files relating to the assigned case. To the extent that custody or parenting time is at issue, the moderator is authorized to review reports and evaluations as may have been submitted to the Court by the Rice County Court Services Department, Guardians ad Litem, or any custody evaluators.

4. Confidentiality/Communication with Neutral. Upon receipt of this Order, the neutral shall promptly schedule a telephone conference with counsel and/or the parties to address matters at issue, information to be exchanged and the status of discovery. Pursuant to Minn. Gen. R. Prac. 114.08, no communications involving the moderator are admissible at any hearing including the final trial in this matter and the moderator shall not be called as a witness. **By not opting out of this process, the parties and their attorneys consent that the moderator may communicate with the Court during the moderated settlement conference, notwithstanding provisions of Minn. Gen. R. Prac. 114.10 to the contrary, provided that attorneys, if any, are present.** The moderator shall not disclose to the court any communications made by the parties and their attorneys unless specifically authorized to do so by the parties and their attorneys, if any. Said authorization maybe made orally by the parties and their attorneys. The neutral is authorized, pursuant to Minn. Gen. R. Prac. 114.10(b), to have ex-parte communication with the parties and vice-versa. Digital, audio, or other recordings (hereinafter "recording") during this process are strictly prohibited. The parties and all others attending this process shall not make any recording of any part of this alternative dispute resolution process and shall not provide any recording to the court, guardian ad litem, custody evaluator, therapist, or anyone else involved with this case.
5. Conflict of Interest. Should counsel or the moderator perceive a conflict of interest by this appointment, notice shall be promptly provided to the attorneys for the parties or a party if self-represented. Counsel, the parties if self-represented, or the moderator shall request the Court for appointment of a different moderator.
6. Fees.
 - a. The parties' fees for MSC is as follows: Petitioner shall pay _____ per hour for the MSC and Respondent shall pay _____ per hour for the MSC.
 - b. Parties should be prepared to pay for no less than 4 hours of MSC time.
 - c. Only cash or law firm checks will be accepted by the MSC Neutral unless.
 - d. The neutral shall not charge for the travel time to and from the conference, but may charge for preparation time.

7. **Cancellation.** CANCELLATION OR FAILURE TO APPEAR AND PAY AS ORDERED WILL RESULT IN SANCTIONS IMPOSED BY THE COURT UPON THE NON-COMPLYING PARTY PURSUANT TO MINNESOTA RULE OF PRACTICE 305. SANCTIONS MAY INCLUDE THOSE LISTED UNDER RULE 16 OF THE MINNESOTA RULES OF CIVIL PROCEDURE AND WILL, AT A MINIMUM, INCLUDE COMPENSATION TO THE NEUTRAL FOR THEIR TIME AND MAY RESULT IN A FULL OR PARTIAL DISMISSAL OF THE NON-COMPLYING PARTY'S PLEADINGS. THE COURT MAY ALSO IMPOSE ADDITIONAL PENALTIES SUCH AS AN ASSESSMENT OF BAD FAITH ATTORNEY FEES TO OTHER PARTY. THE PARTIES AND THEIR ATTORNEYS HAVE AN AFFIRMATIVE DUTY TO NOTIFY THE MODERATOR AT THE EARLIEST POSSIBLE TIME THAT THE MODERATOR'S SERVICES WILL NOT BE REQUIRED. FAILURE TO KEEP THE MODERATOR SO ADVISED MAY RESULT IN THE IMPOSITION OF PAYMENT OF THE MODERATOR'S FEES INCURRED IN CONNECTION WITH THE CASE TO AND THROUGH THE DATE OF THE SCHEDULED CONFERENCE.

8. **Other Orders.** All other orders not modified herein shall remain in full force and effect.

IT IS SO ORDERED.

Dated: _____

BY THE COURT:

 Judge of the District Court

Admission of Service

- 0 Petitioner (I admit service _____)
- 0 Copy for Petitioner's attorney
- 0 Respondent (I admit service _____)
- 0 Copy for Respondent's attorney
- 0 Copy for County Attorney's file
- 0 Copy for the Office of the Dakota County Guardian ad Litem
- 0 Other: _____
- 0 Other: _____

Names and Contact Information

Petitioner Name: _____

Respondent Name: _____

Address: _____

Address: _____

City/State/Zip: _____

City/State/Zip: _____

Telephone: _____

Telephone: _____

Email: _____

Email _____

Attorney Name: _____

Attorney Name: _____

Address: _____

Address: _____

City/State/Zip: _____

City/State/Zip: _____

Telephone: _____

Telephone: _____

Email: _____

Email _____

RICE COUNTY FAMILY COURT MODERATED SETTLEMENT CONFERENCE PROGRAM DESCRIPTION

The Minnesota Supreme Court, by its Order dated April 23, 2004, authorized the district courts to implement case management programs designed to expedite resolution of litigation and peacefully resolve disputes. The Rice County District Court has implemented a Moderated Settlement Conference (MSC) 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 late stages of family court matters prior to trial. 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 Rice County Courthouse and is typically completed after the pretrial hearing. Based on all of the information in the Court file and as provided by counsel or the parties, the MSC Neutral provides an opinion and feedback to the parties and their attorneys and assists in the settlement process. Any agreements reached during the MSC will be placed on the record that day.

1. Cases eligible for this process are those that do not settle at the Prehearing Hearing. 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. Attorneys/self-represented parties will be able to select their own MSC Neutral or one will be randomly assigned by 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 attached 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 four hours of MSC time. *No checks or credit cards will be accepted by the MSC Neutral unless approved by the MSC Neutral. Only cash or law firm checks will be accepted.*
4. Attorneys and parties meet with the MSC Neutral as specified in the Court's Order. **Each attorney or self-represented party is asked to present the important issues in the case and to provide documentation or other support 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 neutral to reach agreement on some or all issues.
5. The MSC neutral may present questions to the judge in chambers with the agreement of all parties.

6. 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 will be discussed. If the case does not settle, the neutral will identify critical issues that may need additional study and also identify 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 attached Order.
9. If the case does not settle completely, the case may be set for an additional pretrial hearing or a trial.