



MINNESOTA JUDICIAL BRANCH

DAKOTA COUNTY COVID 19 PANDEMIC FAMILY CASE PROCESSING **UPDATED JANUARY 22, 2021**

Dakota County will continue to process family cases through Zoom technology through December 31, 2021. In certain limited cases, Judicial Officers will authorize in-person courtroom appearances. Accordingly, ICMCs, Pretrial Conferences, Default hearings, Motion hearings and Trials are being heard through remote technology.

Public terminals are available for use at the Apple Valley Courthouse, West St. Paul Courthouse, and the Dakota County Judicial Center for court users who do not have internet or computer access. The Dakota County Law Library and the Apple Valley Library also have terminals available for use. Login information and dial-in telephone access will be provided in the Notice of Hearing.

Judicial Officers blocked to family court cases through December 31, 2021 include: Judge David Lutz, Judge Tracy Perzel and Judge Richelle Wahi. Cases will be assigned to a Judicial Officer at the time of the Pretrial Conference or the first motion hearing, whichever occurs first.

Since September 2020, Dakota County has scheduled Initial Case Management Conferences, Pretrial Conferences, Motion Hearings and the Default Hearings for mass calendars beginning at 9:00 a.m. and 1:00 or 1:30 p.m. We moved to mass calendars to ensure that cases can be timely scheduled for hearing, to address continuance requests and settlement of cases. These mass calendars have contributed greatly to moving cases forward in an expedient manner.

Dakota County has experienced a large volume of trial court settings in family court matters, such that each of its assigned Family Court Judges are now scheduling family court trials into August and September 2021. While some of those scheduled trials actually proceed to trial, many resolve on the first day of trial, leaving the limited trial days to be used for non-trial purposes. To try to accommodate more trials more expediently, Dakota County will implement a Monday morning mass trial calendar for all family court trials. This will begin for trials scheduled to occur on or after May 1, 2021, such that all court-trial cases will have a Monday 9:00 a.m. initial trial appearance the week the case is scheduled for trial. At that appearance, the assigned Judge will determine case priority and the trial schedule for the week. The first case scheduled for trial will begin at approximately 10:30 a.m. that same day (Monday). Cases involving numerous experts and/or witnesses may continue to request and have scheduled a trial certain date or dates but must still appear for the Monday 9:00 a.m. initial trial appearance, unless advised otherwise by the Judge assigned to the matter.

The following provides some relevant pandemic guidance for Zoom hearings:

Initial Case Management Conferences (ICMCs)

Parties will not be required to submit an ICMC statement. This requirement will be temporarily suspended throughout the period of remote hearings. However, the parties should be prepared to discuss the contents of the ICMC Statement with the Judicial Officer. Statutory Notice of Alternative Dispute Resolution will be provided with your Notice of Hearing and with your ICMC Order. If parties agree to an Alternative Dispute Resolution prior to the ICMC, they may file a Stipulation and Order to waive the ICMC. A link to such document can be found at:

- https://mncourts.gov/mncourtsgov/media/scao_library/Court%20Interpreter/Stipulation-to-Waive-ICMC-for-ENE-Sharepoint-site_1.pdf

Pretrial Conferences

Parties will be required to submit a Parenting Financial Disclosure Statement consistent with the Rules. Parties and attorneys are encouraged to meet and confer in advance of the Pretrial Conference to address any agreements and trial issues.

Default Hearings

Prior to the Default hearing, the Judge's Staff Attorney may email the parties with information regarding deficiencies in the proposed document. If email addresses are not provided at the time of filing, and if the parties submit an incomplete Joint Petition or Proposed Judgment and Decree, a second Default hearing will be scheduled to permit the parties to address any deficiencies.

Contested Motions

Contested motions will be scheduled for 1 hour in length and will occur primarily on Thursdays, but also throughout the week. Subject to exceptions set forth by Minnesota law, the moving party shall, within 7 days of filing a motion, initiate a settlement conference either in person, or by telephone or in writing in an attempt to resolve the issues raised. A Certificate of Settlement Efforts shall be filed no later than 24 hours before the hearing. Unless excused by the Court for good cause, no motion shall be heard unless the parties have complied with Rule 303 of the Minnesota Rules of District Court Practice Family Court Procedure.

Trials

Trials are occurring through Zoom technology. The parties are expected to adhere to the Trial Scheduling Order. Each Judge's Law Clerk will meet with the parties or attorneys three to five business days before trial to address any questions regarding trial by Zoom. During this conference, the Law Clerk can assist you with the technical features of Zoom including, but not limited to, sharing documents/exhibits, the use of break out rooms, simultaneous interpretive services as well as ground rules for remote witness testimony. We encourage individuals to utilize this conference so that trial time can be used efficiently. Please notify the Court as soon as possible on case settlements so that trial dates may be provided to other litigants.

As stated above, beginning on May 1, 2021, Dakota County will implement a Monday morning mass trial calendar for all family court trials. All court-trial cases will have a Monday 9:00 a.m. initial trial appearance the week the case is scheduled for trial. At that appearance, the assigned

Judge will determine case priority and the trial schedule for the week. The first case scheduled for trial will begin at approximately 10:30 a.m. that same day (Monday). Cases involving numerous experts and/or witnesses may continue to request and have scheduled a trial certain date or dates but must still appear for the Monday 9:00 a.m. initial trial appearance, unless advised otherwise by the Judge assigned to the matter.

Alternative Dispute Resolution

Under Minnesota Law, alternative dispute resolution is required in all family law matters in district court, unless exempted by General Rules of Practice 310.01. Alternative dispute resolution includes mediation, arbitration, early neutral evaluation (ENE), and other processes as set forth in the district court rules. Parties may choose which method of alternative dispute resolution that best meets their needs. If you are a victim of domestic abuse by the other party or threats as defined in Minnesota Statutes, Chapter 518B, you are not required to try alternative dispute resolution and you will not be penalized by the court in later proceedings. Additional information can be found here:

- Alternative Dispute Resolution Webpage on Minnesota Judicial Branch Website: <http://mncourts.gov/Help-Topics/AlternativeDisputeResolution.aspx>
- State Early Case Management/Early Neutral Evaluation Program Webpage on Minnesota Judicial Branch Website: <http://mncourts.gov/Help-Topics/ENE-ECM.aspx>

Self-Help Centers

The Minnesota Judicial Branch has various self-help centers located throughout the state and online services. Self-Help Centers located in the State (locations and hours available online):

- <http://mncourts.gov/Help-Topics/Self-Help-Centers.aspx#tab02SHCLocations>