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## PROPOSED CHANGES:

### **Rule 3.1.10 Early Neutral Evaluation (ENE) and Settlement Conference**

- (a) **The court may establish programs for evaluative alternative dispute resolution (ADR) including** ENE and Settlement Conferences. One or both of these methods of ADR may be available at any given time. Parties and their Counsel should select the most productive means of ADR available based on the facts and legal issues presented by each individual case.
- (b) Early Neutral Evaluation (ENE) will be conducted as follows.
  - 1. Parties may request ENE at any stage of the litigation. The court encourages the parties will use this tool at the earliest opportunity.
  - 2. Early Neutral Evaluators will be volunteer attorneys, who agree to spend up to two hours on any case to which he/she is assigned. Volunteer attorneys are encouraged to conduct the ENE in an evaluative fashion, giving opinions as to the merits of issues when asked.
  - 3. The court will set ENEs for Tuesdays or Wednesdays at 10:00 am. At the same time, the court will set Further Status Conference to occur three to four weeks after the ENE.
  - 4. The ENE may take place anywhere the parties and evaluator agree, including a private office or the courthouse. If the ENE is to take place off-site (not in the courthouse), the evaluator will advise the parties of the location in advance. If the ENE is scheduled at the courthouse, the evaluator will advise court staff in advance.
  - 5. No court files will be removed from the courthouse. Court files may be reviewed prior to the ENE if desired.
  - 6. Parties will submit an ENE Brief to the evaluator in advance of the session.
  - 7. If the matter settles at ENE, the settlement may be placed on the record immediately. If the ENE is off-site, the evaluator must call the court promptly to arrange for placing the settlement on the record.
  - 8. If the ENE does not occur on the set date or if the matter doesn't settle, the parties (or their counsel) must appear at the next Status Conference.

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9. Ten (10) days prior to any ENE, each party shall file and serve a Statement specifying each distinct issue, the proposed disposition of that issue and the status of all settlement discussions.
- (c) Settlement Conferences shall be set at least four weeks prior to Trial. Prior to filing a Settlement Conference Statement, the parties are required to meet and confer as set out in Rule 3.1.02. **(Eff. 1/1/99)(Rev. 7/1/05)**
  - (d) Each party must provide to the Settlement Conference Judge pro temp at the settlement conference, the following:
    1. If support is an issue and if financial information is not up to date, current Income and Expense Declarations including the last three pay stubs, the last two years income tax returns, corporate income tax returns if applicable, W-2's, 1099's for the last two years and any and all information tending to assist the court in deciding questions of income.
    2. On one sheet of paper, set out how the property and debts should be divided and how any equalization payment should be handled. This may be incorporated into the Settlement Conference Statement in a) above.
    3. A list of witnesses and a short statement as to what each will testify to.
    4. A list of stipulated and/or undisputed facts and a description of which exhibits are agreed to be admissible.
  - (e) Failure to comply with the procedure outlined above may subject the offending party/attorney to sanctions. Represented and Self-represented litigants are expected to comply with this Rule. **(Eff. 7/1/05)**