

RHODE ISLAND FAMILY COURT
ADMINISTRATIVE ORDER 2003-02 (Revising 96-3)

RE: DOMESTIC CASEFLOW CALENDAR
TWO-TRACK SYSTEM

1. There is hereby created a two-track system for all domestic relations divorce proceedings:
 - a.) Nominal Track (no contest) designed for speedy resolution;
 - b.) Contested Track (contest) identified by counsel as a trial.
2. At the time of filing a complaint for divorce, plaintiff's counsel shall designate the case for placement on the nominal track or the contested track. Selection of the nominal track will place the case in line for disposition in eleven weeks (77) days from the date of filing. Selection of the contested track will place the case in line for disposition in fifteen weeks (105-259) days. In the event a track is not selected, the case will be automatically placed on the nominal track by the clerk of the court.
3. Upon the filing of a complaint, the clerk of the court will assign a hearing date and time for the case as follows: For the nominal track, a hearing on the merits will be set for a date and time certain pursuant to paragraph two above, eleven weeks (77) days from the date of the filing of the complaint. For the contested track, the clerk of the court will assign a date and time certain for case management conference fifteen weeks (105) days from the date of the filing of the complaint. Also, at the time filing a contested track complaint, the clerk of the court will assign the contested track complaint for a closure date for discovery six weeks (42) days from the Case management conference and a pre-trial date two weeks (14) days from the closure date.
4. At the time of filing of a complaint, the clerk of the court will present to the filing party a Case Management Conference Request/Waiver form to be submitted to the court by the attorney for the Plaintiff/Pro Se plaintiff and attorney for the Defendant/ Pro Se defendant upon their entry of appearance informing the court if a case management conference is required or if the parties chose to waive the Case Management conference and have the matter disposed of on the merits or continued for closure of discovery and a pre-trial conference.
5. Motions for temporary support, custody or counsel fees and costs shall be accompanied by a (DR-6) supporting affidavit containing a statement of the applicant's current assets, liabilities, income and expenses pursuant to Administrative Order 77-6 as amended. Motions for temporary orders will be heard four (4) to six (6) weeks after filing commencing at 9:00 A.M.

NOMINAL TRACK

6. It shall be the duty of the plaintiff's counsel to notify the defendant and/or defendant's counsel in answered cases of the date and time of the hearing on the merits for nominal track cases and of the date and time of the case management conference for contested track cases. Nothing herein shall prevent counsel from notifying a defendant in an unanswered case of hearing dates and times.

7. On the day set for the nominal hearing, if the case does not proceed, the court will set the matter down for a case management conference in four weeks (28) days, for a closure date for discovery six weeks (42) days from the case management conference and a pre-trial date two weeks (14) days from the closure date. At that time the clerk of the court will present to the parties present a Case Management Conference Request/Waiver form to be submitted to the court notifying the court if a case management conference is required or if the parties chose to waive the case management conference and have the matter disposed on the merits or continued for closure of discovery and a pre-trial conference. Both parties must indicate that a Case Management Conference is not necessary in order for the court to waive said conference.

CASE MANAGEMENT CONFERENCE

8. Prior to all case management conferences, counsel shall personally meet to discuss resolution of the case and all outstanding issues. Additionally, counsel and or/ parties shall be prepared to discuss:
 - a.) all resolved issues;
 - b.) all unresolved issues;
 - c.) status of any pending discovery;
 - d.) any case issue that involves potential expert testimony;
 - e.) estimated trial length;
 - f.) dates for which counsel is unavailable for trial between 90 and 150 days from the case management conference;
9. All designated trial counsel shall appear at the case management conference and be prepared to discuss the merits of the case with a view toward early disposition of the case. At the case management conference, if the parties are able to reach agreement, the matter will be scheduled for a nominal hearing. At the conclusion of the case management conference the court will issue a case management order which will set:
 - a.) a statement of the issues resolved and/or agreed to by the parties;
 - b.) a statement of the issues in dispute;
 - c.) an order or modification of an order on temporary support, custody or counsel fees and costs if required;
 - d.) any other matter reviewed by the court at the case management conference.

The case management order, when entered, shall control the subsequent course of the action unless modified to prevent manifest injustice.

10. On or before the discovery closure date, all interrogatories and requests for production must be served and responded thereto, and all depositions and other discovery must be completed. No discovery may be conducted after the closure date except upon order of the court. Nothing contained in this order shall excuse a party from its continuing obligation, under the Domestic Rules to update responses to discovery. No motion may be filed after the closure date set except upon order of the court.
11. Failure to submit the case management conference statement on or before one week (7) days prior to the case management conference may result in the court's imposition of appropriate sanctions and/or the exclusion of any evidence that should have been disclosed in the timely filing of the case management conference statement.

PRE-TRIAL CONFERENCE

12. All designated trial counsel and the parties shall attend the pre-trial conference and be prepared to discuss the merits of the case. At the pre-trial conference, if the parties are able to reach agreement, the matter will be heard that day as a nominal hearing. If the parties are unable to reach an agreement, the court may issue a pre-trial conference order which will confirm or address any matter reviewed at the pre-trial conference. The court will set a date and time for trial at the pre-trial conference.

TRIAL

13. Trial shall commence on the date and time set by the court (except for extraordinary, unforeseen circumstances which are brought to the court's attention prior to the date set for trial.) At least one week (7) days prior to the scheduled trial date, designated trial counsel shall file with the Domestic Clerk's Office and serve on opposing counsel a written pre-trial statement which shall be concise and include:
 - a.) Trial memorandum affidavit including but not limited to updated and complete statement of assets and liabilities and income and expenses (DR-6, A-H);
 - b.) Child Support Guideline Worksheet (DR30);
 - c.) Proposed findings of fact and/or proposed judgment;
 - d.) Statement of each party's argument;
 - e.) List of all cited legal authority;
 - f.) List of all witnesses and summary of each witness's testimony;
 - g.) List of all exhibits to be introduced at trial;
 - h.) Statement of values of assets and liabilities;
 - i.) Certificate of counsel that counsel has made a diligent, good faith effort to settle the case but has been unsuccessful.

This order shall be effective as of the 26th day of May, 2003.

Jeremiah S. Jeremiah, Jr.
Chief Judge
Rhode Island Family Court