

RHODE ISLAND FAMILY COURT
ADMINISTRATIVE ORDER 2006 -09
(AMENDING ADMINISTRATIVE ORDER 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) The nominal track (no contest cases) designed for speedy resolution of cases; and
 - b) The contested track for those cases identified by plaintiff's counsel as requiring 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 seventy (70) days from the date of filing. Selection of the contested track will place the case in line for disposition in ninety-eight (98) to one hundred-sixty-eight (168) days. In the event that a track is not selected by plaintiff's counsel, the case will be automatically placed on the nominal track by the clerk of the court.

3. Motions for temporary support, custody or counsel fees and costs shall be accompanied by a supporting affidavit containing a statement of the applicant's current assets, liabilities, income and expenses (DR-6 Form). Motions for temporary orders will be heard four (4) to six (6) weeks after filing, commencing at 9:00 a.m.

A party who opposes the motion shall file an affidavit containing a statement of his or her current assets, liabilities, income and expenses (DR-6 Form) with the Court and opposing counsel at least seven (7) days prior to the hearing. Orders on motions for temporary support, custody or counsel fees may be reviewed by the Court at the pre-trial conference.

4. 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 to be ten weeks – (70 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 a pre-trial conference to be fourteen (14) to sixteen (16) weeks from the date of the filing of the complaint.

NOMINAL TRACK

5. 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 pre-trial conference for contested track cases. Nothing herein shall prevent counsel from notifying a defendant in an unanswered case of hearing dates and times.

6. On the day set for the nominal hearing, the case will be called for hearing. If the case is unable to proceed, the court will set the case down for a pre-trial conference in four (4) to six (6) weeks. All other cases will be heard at the date and time set for hearing. Judgment will be entered after hearing. Counsel shall prepare and file with the court an Interlocutory Judgment within thirty (30) days after the hearing on the merits.

Failure to do so will require counsel to file a motion for entry of the judgment out of time and the Court may impose appropriate sanctions.

PRETRIAL CONFERENCE

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

9. On or before the discovery closure date set in the pre-trial conference order, 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.

All motions shall be filed promptly after counsel discovers or should have discovered the basis for such motion. No motion may be filed after the closure date set in the pre-trial conference order.

SETTLEMENT CONFERENCE

10. Prior to the scheduled trial date, the trial judge, in his or her discretion, may order the parties to attend a Settlement Conference. The Settlement Conference shall be scheduled following the Pre-trial conference, but before the trial date.

At this conference, the attorneys of record (along with the parties and any other person necessary for disposition) appear before the judge to discuss the merits of the case with a view towards settlement of the matter. If the parties are able to reach agreement, the matter may be heard that day or the previously scheduled trial day as a nominal. If the matter is not resolved after the Settlement Conference the case will proceed for trial on the previously scheduled trial date.

TRIAL

11. 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). In the discretion of the trial judge, a case that has been reached for trial and is over one (1) year after filing may be continued for no more than ninety (90) days provided that a written stipulation has been presented to the Court requesting said extension. Said stipulation must aver in particular terms the following:

- a. The case has been reached for trial on a day certain;
- b. "Good Cause" warrants the extension and/or continuation of the matter in the future;
- c. The particular circumstances supporting "good cause" for the extension;
- d. Said stipulation must be signed by all parties and attorneys of record.

12. In the event that the Court has granted an extension in accordance with the procedure outlined and the parties wish to extend and/or continue the matter for trial past the ninety (90) days previously granted, a second request may be filed with the Court for an additional ninety (90) days. Said request shall be in the format previously outlined for an extension. In the event the trial judge determines that "good cause" has been

demonstrated, he/she shall sign the parties' stipulation and forward same for review by the Chief Judge. The Chief Judge shall make any orders that he deems appropriate for assignment and/or resolution of the matter.

13. At least ten (10) days – prior to the case being scheduled for trial, designated trial counsel shall file with the Domestic Clerk's Case Management Office and serve on opposing counsel a written Trial Memorandum which shall be concise and include:

- a. Updated DR-6 (A-H Forms);
- b. Copies of updated retirement plan values;
- c. Copies of updated real estate appraisals;
- d. Copies of updated stock and bank accounts;
- e. Proposed child support guideline worksheet (DR-30);
- f. List of all anticipated witnesses, together with a brief summary of their expected testimony;
- g. Statement of any anticipated legal issues, together with a citation of authorities;
- h. Statement as to each parties agreement as to proposed resolution of the issues;
- i. Certificate of counsel that a diligent, good faith effort to settle the case has been made.

8. Failure to submit the Trial Memorandum statement on or before ten (10) days – prior to the scheduled trial date 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 pre-trial conference statement.

14. Within thirty (30) days after a trial for a contested track case, counsel for the prevailing party shall prepare and file with the Court an Interlocutory Judgment. Failure to do so will require counsel to file a motion for entry of the judgment out-of-time and the Court may impose appropriate sanctions.

EFFECTIVE DATE

15. This order will become effective on December 14, 2006 and shall apply only to those cases filed on or after January 2, 2007.

Date

12/14/06

Jeremiah S. Jeremiah, Jr.
Chief Judge

DOMESTIC CASE FLOW

