

RHODE ISLAND FAMILY COURT
ADMINISTRATIVE ORDER 2006 -1
(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-seven (77) days from the date of filing. Selection of the contested track will place the case in line for disposition in one hundred five (105) to two hundred fifty-nine (259) 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 case management 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 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 a case management conference to be fifteen weeks – (105 days) – 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 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.

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 case management conference in four (4) weeks - (28 days). 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.

CASE MANAGEMENT CONFERENCE

7. Prior to all case management conferences, counsel shall personally meet to discuss resolution of the case and of all outstanding issues. One (1) week – (7 days) – prior to the case management conference, counsel shall submit to the Domestic Clerk's Case Management Office a written case management conference statement which shall be concise and include:

- a) Statement notifying the Court if the case can be heard as a nominal;
- b) Statement of the issues that are resolved or agreed to as evidenced by an appropriate stipulation executed by the parties;
- c) Statement of the issues which are unresolved and outstanding;
- d) Status of any pending discovery;
- e) Discovery deadlines;
- f) Names of any expert or out-of-state witnesses to be called at trial;
- g) Estimated trial length and number of witnesses;
- h) Dates for which counsel of record is unavailable for trial between ninety (90) days to one hundred fifty (150) days from the date of the case management conference;
- i) Updated DR-6 Form if circumstances have changed since the original filing; and

j) Certificate of counsel that counsel has made a diligent, good faith effort to confer with opposing counsel to settle the case.

Counsel is under a continuing duty to supplement the information provided in the case management conference statement.

8. 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) The closure date for all motions and discovery;
- b) The date and time for a pretrial conference;
- c) A statement of the issues resolved and/or agreed to by the parties;
- d) A statement of the issues in dispute;
- e) An order or modification of an order on temporary support, custody or counsel fees and costs if required; and
- f) 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.

9. On or before the discovery closure date set in the case management 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 case management order.

10. Failure to submit the case management conference statement on or before one (1) 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.

PRETRIAL CONFERENCE

11) At least one (1) week – (7 days) – prior to the scheduled pretrial conference, designated trial counsel shall file with the Domestic Clerk's Case Management Office and serve on opposing counsel a written pretrial statement which shall be concise and include:

- a) Trial Memorandum Affidavit including but not limited to updated complete statement of assets and liabilities and income expenses (DR-6; A-H);
- b) Child Support Guideline Worksheet (DR-10);
- c) Proposed Findings of Fact and/or Proposed Judgment;
- d) Statement of each party's argument;
- e) List of all witnesses and summary of each witness' testimony;
- f) List of all exhibits to be introduced at trial with all exhibits marked numerically for plaintiff and alphabetically for defendant;

g) Statement of Values of Assets and Liabilities; and

h) Certificate of counsel that counsel has made a diligent, good faith effort to settle the case but has been unsuccessful.

12. Failure to submit the pretrial statement on or before one (1) week – (7 days) – prior to the pretrial 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 pretrial statement.

13. 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 will 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.

TRIAL

14. 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.

15. 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.

16. 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

17. This order will become effective on May 1, 2006 and shall apply only to those cases filed on or after May 1, 2006.

Date

3/3/06

Jeremiah S. Jeremiah, Jr.
Chief Judge

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PROVIDENCE, SC

FAMILY COURT

V.

F.C. NO.: _____

STIPULATION FOR EXTENSION REQUEST

Now comes the parties and attorneys of record to the above entitled action and respectfully requests an extension be granted. In support of said request, the following circumstances exist to warrant such request:

1. The matter has been reached for trial before Chief Judge/ Associate Justices _____ on the _____ day of _____, 2006;

2. The following circumstances warrant "good cause for the granting of said extension:

_____;

3. The parties are in agreement that an extension would serve substantial justice if granted;

Plaintiff

Defendant

Attorney for Plaintiff

Attorney for Defendant

The following request has been granted/denied and the matter is continued for trial on the _____ day of _____, 2006.

Chief Judge/ Associate Justice

Deputy Clerk

Dated:

Dated:

If this extension is to exceed ninety days, the parties must also seek approval from the Chief Judge of the Rhode Island Family Court.