

RHODE ISLAND FAMILY COURT

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 77 days from the date of filing. Selection of the contested track will place the case in line for disposition in 105 to 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 AM.

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 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 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 that 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 90 days to 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 pre-trial 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 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

- 11) At least one week (7 days) prior to the scheduled pre-trial conference, designated trial counsel shall file with the Domestic Clerk's Case Management 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 complete statement of assets and liabilities and income and expenses (DR-6, A-H);
 - b) Child Support Guideline Worksheet (DR-30);
 - c) Proposed Findings of Fact and/or Proposed Judgement;
 - d) Statement of each party's argument;
 - e) List of all witnesses and summary of each witness's 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 pre-trial statement on or before one week (7 days) prior to the pre-trial 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 pre-trial statement.
- 13) 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

- 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).

- 15) Within thirty days after a trial for a contested track case, counsel for the prevailing party shall prepare and file with the Court an Interlocutory Judgement. 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

- 16) This order will become effective on July 1, 1996 and shall apply only to those cases filed on or after July 1, 1996.

2/21/96

DATE

JEREMIAH S. JEREMIAH, JR.
CHIEF JUDGE

NOTE RE:

ADMINISTRATIVE ORDER 96-3

DOMESTIC CASEFLOW CALENDAR

As previously discussed in the note to Administrative Order 96-1 (Hours of Court), during 1995 the National Center for State Courts ("National Center") conducted an extensive evaluation of Family Court operations. One of the recommendations made by the National Center was that the Court introduce and implement caseflow management principles in its processing of domestic relations cases. The rationale cited by the National Center was the need for the Court to take early control over its caseloads in order to better serve litigants and the bar and to better promote the efficient administration of justice. As noted by the National Center, without the implementation of caseflow management procedures, the Court could not address the current climate of frequent continuances and delays as well as the difficulty in holding long continuous contested hearings.

Consequently in the fall of 1995, the Court in conjunction with the Family Court Bench/Bar Liaison Committee of the Rhode Island Bar Association began the task of establishing benchmarks for divorce case dispositions from filings to final judgments. The committee met numerous times in an effort to analyze and adopt workable caseflow management techniques. After much discussion, the committee voted to endorse the accompanying Administrative Order 96-3 as the most efficacious method to achieve caseflow management in the Family Court.

The attached Administrative Order places all divorce cases on a case management track denominated as either a nominal or contested track. At the time of filing the divorce complaint, every plaintiff's attorney (or pro se plaintiff) must designate the appropriate track; if no track is designated on the complaint, the clerk will automatically place the case on the shorter nominal track.

Upon the filing of the complaint, nominal track cases will be assigned a date and time certain for a hearing on the merits to be eleven weeks (77 days) from complaint filing. For the contested track, the clerk will assign a date and time certain for a case management conference with the judge assigned to try the case to be fifteen weeks (105 days) from complaint filing. The purpose of the case management conference is to provide an opportunity for case or issue resolution and to allow the court to take prompt control of the case. If a case settles at the case management conference, it can be immediately scheduled for a nominal hearing.

If a case does not get resolved at the case management conference, a case management order will be issued by the court which will set discovery and motion closure dates as well as set the date and time for a pre-trial conference. The pre-trial conference will be scheduled for between 91-133 days from the case management conference and trial will be scheduled within 3 weeks after the pre-trial conference. No continuances will be allowed except upon order of the court for extraordinary, unforeseen circumstances. In addition, counsel is obligated to prepare, file and serve a case management statement and a pre-trial statement which will assist counsel in case preparation, clarification and simplification of issues and will facilitate the exchange of discovery information.

For its part, the court has established a Case Management Office in the Domestic Clerk's Office. The Case Management Office will be initially staffed by two case managers, Joseph Baxter and Susan Froment, whose sole function will be to implement caseflow management techniques in the processing of divorce cases. The Case Management Office will monitor case progress, will establish trial and hearing date certainty and will create mechanisms for accountability and control. The Case Management Office can be reached at 277-4482.

The immediate purpose of case management is to create a more efficient, predictable system in order to achieve more timely case dispositions, reduced waiting times and more meaningful appearances for litigants, attorneys and the court. The attached Administrative Order with the assistance of the bar in its implementation will help ensure that the overall goals of improving court operations and promoting the timely administration of justice are met.

2/21/96

Date

Jeremiah S. Jeremiah, Jr.
Chief Judge



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

FAMILY COURT
One Dorrance Plaza
Providence, R.I. 02903

February 22, 1996

TO: ALL JUDGES
GENERAL MASTER
MASTER
ADMINISTRATORS
DEPARTMENT HEADS
COUNTIES
SUPREME COURT

FROM: Chief Judge Jeremiah S. Jeremiah, Jr.

RE: Administrative Order 96-3

Please find the attached FAMILY COURT DOMESTIC CASEFLOW MODEL for your attention. This flow chart should be attached to the explanatory note which accompanies the Administrative order.

Thank you for your attention in this matter.

ESTIC CASEFLOW MODEL

