



STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF KENT

IN RE: SETTLEMENT
CONFERENCES IN DIVORCE,
SEPARATE MAINTENANCE,
AND ANNULMENT CASES

ADMINISTRATIVE POLICY 1998-1

At a session of said Court, held in the Hall of
Justice in the City of Grand Rapids, in said
county on August ____, 1998.

Present: HON. DENNIS C. KOLENDA
Chief Circuit Judge

The judges of the Family Division of this Court are convinced that, to be productive, settlement conferences in cases involving divorce, separate maintenance and annulment must be personally attended by the parties and must involve the exchange of all pertinent information. Delaying the exchange of information inevitably postpones the possibility of settlement. The judges are likewise convinced that every reasonable effort must be made, by the Court as well as by the parties and their counsel, to facilitate settlement in those cases where it can be achieved fairly so that time is made available on this Court's very crowded docket (the judges of this Court dispose of more cases per year per judge than the judges of any other court in Michigan) for those cases which, despite good faith efforts, cannot be settled and need the time of a judge to achieve a fair resolution. Accordingly, to achieve the necessary exchange of information:

IT IS HEREBY ORDERED AND ADJUDGED that, beginning on August 1, 1996, and continuing thereafter until further order, the Assignment Clerk of this Court shall, whenever scheduling a settlement conference in a case seeking a divorce, separate maintenance or an annulment, issue a scheduling order like that appended hereto. The original of the order shall be filed with the Clerk of the Court, and copies shall be transmitted to all counsel in the case or directly to any party acting *in pro per*. The order shall be issued in the name of the Chief Judge of this Court by affixing his signature stamp to same. It is far more efficient to issue said orders in the name of a single judge, and the Chief Judge is authorized, all the judges of this Court agree, to act on their behalf by MCR 8.110(E)(3)(a), (b), (h) and (I). The authorized use of a signature stamp satisfies MCR 2.602(A) because it has long been the law that a signature is any mark made by or with the authority of the person who's mark it purports to be. Personally affixing the mark is not necessary. *Dictionary* (rev 4th ed), p 1553. Cf., MCL 440.1201(39); MSA 19.1201(39); and MCL 440.3401; MSA 19.3401.

IT IS FURTHER ORDERED AND ADJUDGED that the Assignment Clerk of this Court shall, also beginning August 1, 1996, schedule settlement conferences in cases requesting a divorce, separate maintenance, or an annulment when counsel for either party, or when a party acting *in pro per*, make a written request therefor, but not sooner than 45 days after the filing of a "DO" case and not sooner than four months after the filing of a "DM" case. Settlement conferences are not to be scheduled unless requested. The lack of a request for a settlement conference will not, however, stay placing the case on the first appropriate No Progress Calendar of this Court.

This policy supersedes Administrative Policy 1996-17. The only changes are a reference to this Court's Family Division and a change in the date for exchanging the pre-trial statement, namely: at the pre-trial conference, not in advance.

Dated: August ____, 1998.

DENNIS C. KOLENDA

Dennis C. Kolenda, Chief Circuit Judge



STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF KENT

##,

Plaintiff,

Case No. ##

vs

##,

Defendant.

_____ /

In an effort to make settlement conferences in domestic relations cases as productive as possible, **IT IS HEREBY ORDERED AND ADJUDGED** that each party in this case be personally present for the settlement conference scheduled in this case and submit at the time stated below a pre-trial statement which does the following:

1. In cases involving minor children, state whether custody is believed to be in dispute. If it is believed to be in dispute, the present custody arrangement is to be detailed, and the submitting party is to state what custody arrangement he or she believes to be in the best interests of the child(ren) and why. The party seeking a change in the child(ren)'s current living arrangement is to comply with this Court's Administrative Policy 1995-15.

2. In cases involving minor children, state whether visitation is believed to be in dispute. If it is, the present visitation schedule is to be explained in detail, and the submitting party is to identify what visitation schedule he or she believes to be in the best interest of the child(ren) and why.

3. The income and the source(s) of income of each party are to be stated with specificity. In cases involving minor children, the amount of support recommended by the Child Support Guidelines for those incomes is to be calculated and identified. If either party urges support in an amount other than that recommended by the Guidelines, the reasons why a departure is believed to be appropriate are to be stated with specificity. If spousal support is requested, the amount thought appropriate and why is to be stated.

4. Assets about which there is believed to be a dispute are to be identified as follows: The asset is to be described, its value is to be stated, and the desired disposition is to be stated. Also to be disclosed are any unique circumstances which are believed to be pertinent to valuing the asset and/or to its appropriate disposition, e.g., that the asset represents an inheritance, was acquired with proceeds from a tort settlement, etc.

5. All the debts of the parties are to be identified to the extent that there is believed to be a disagreement as to their amount and/or who is to pay which ones. The amount of a debt, the reason for it, to whom it is owed, and the desired disposition are to be disclosed. All reasons for the latter are to be stated with specificity. Likewise to be stated with specificity are any unique circumstances which are believed to be pertinent to determining the amount of the debt or its assignment to one of the parties.

6. Any other information thought to be pertinent to the particular case is also to be disclosed with specificity.

7. All likely trial witnesses are to be identified, and a succinct synopsis of their expected testimony is to be included. For example, if an expert is to be called to establish the value of real estate or a pension, that expert's credentials are to be disclosed, as is the value which he or she will ascribe to the asset.

8. All likely trial exhibits are to be identified and, if practical, are to be appended to the pre-trial statement. For example, any appraisals, promissory notes, mortgages, etc., are to be disclosed. Any exhibits which are too bulky to be attached to the pre-trial statement are to be available for inspection by opposing counsel no later than the date upon which the pre-trial statement is due.

9. Issues not raised in the pre-trial statement required hereby are deemed waived.

Copies of the pre-trial statements required hereby are to be filed directly with the assigned judge and exchanged between counsel at the settlement conference. A failure to submit what is required hereby will result in the imposition of appropriate sanctions, including the exclusion at trial of evidence which should have been disclosed, the assessment of costs, etc.

Dated: _____

DENNIS C. KOLENDA

Dennis C. Kolenda
Chief Circuit Judge