

Rule 16. Pretrial Procedure in Domestic II Cases

(a) Applicability. Unless otherwise ordered by the judicial officer to whom the case is assigned, the provisions of this Rule shall apply to all cases assigned to the Domestic II Calendar.

(b) Initial status conference. In every case assigned or assignable to a domestic relations calendar, an initial status conference shall be held as soon as practicable after the case is at issue. At that conference the judicial officer shall ascertain the status of the case; explore the possibilities for early resolution through settlement or alternative dispute resolution or for expediting the case by use of stipulations; explore issues of service, notice, and identity of necessary parties; and determine a reasonable time frame for bringing the case to conclusion. The judicial officer may require that the parties exchange information pursuant to SCR-Dom Rel 26(a)(1). The judicial officer shall either determine any outstanding motions, if time allows and the parties are prepared, or set a date for hearing the motions. The judicial officer shall also consider whether the complexity of the case, the need for Court supervision of discovery, or other relevant factors warrant certification to the Domestic I Calendar pursuant to SCR-Dom Rel 40(c). After consulting with the attorneys for the parties and with any unrepresented parties, the judicial officer shall set dates for future events in the case, which may include:

(1) A deadline by which discovery must be completed, which may be modified only by leave of Court or agreement of the parties;

(2) A deadline by which motions must be filed, except motions in limine, motions to bifurcate, or motions for which leave to file has been obtained.

(3) Dates for the filing of legal memoranda and, if custody is or may be an issue, dates for appropriate motions, including those for Social Services investigations and appointment of guardians ad litem.

The schedule set at the initial status conference may be modified by agreement of the parties, except that dates for court proceedings may not be modified without leave of Court.

(c) Telephonic conferences. In the discretion of the Court and with the consent of the parties, any pretrial communications may be conducted by telephone.

(d) Sanctions. If a party or a party's attorney fails to comply with the requirements of this Rule, the Court, upon motion or its own initiative, may make such orders with regard thereto as are just, including any of the orders provided in SCR-Dom Rel 37(b)(2)(B), (C), and (D). The Court may require the party or the attorney representing the party, or both, to pay the reasonable expenses, including attorneys' fees, incurred because of any noncompliance with this Rule unless the Court finds that the noncompliance was substantially justified or that other circumstances make an award unjust.

COMMENT

This Rule provides a flexible pretrial procedure for cases set on the Domestic II Calendar. In cases whose complexity warrants a more structured pretrial procedure; SCR-Dom Rel 16-I should be applied.