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January 12, 1995

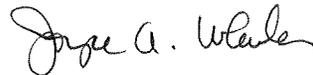
Chair  
Joint Standing Committee on Judiciary  
State House Station 115  
Augusta, Maine 04333

Re: Family Court Pilot Project

Dear Chair,

Please find enclosed for filing, pursuant to G.L. 1993,  
ch. 401, Section 5. the annual report of the Family Court Pilot  
Project. If you or any members of the Committee have any  
questions about the project, please do telephone me.

Very truly yours,



Hon. Joyce A. Wheeler  
Associate Administrative Judge  
Director, Family Court Project

MAR 10 2014

**ANNUAL REPORT ON THE FAMILY COURT PILOT PROJECT**

**TO**

**THE JOINT STANDING COMMITTEE ON JUDICIARY**

**JANUARY 15, 1995**

**AUTHORIZATION AND DESIGN OF THE PILOT PROJECT**

In April 1990, the Legislature enacted P.L. 1990, Chapter 891, which authorized the creation of a Commission to Study the Future of Maine's Courts. Section A-12 of that statute directed the courts to establish a pilot project to handle family law cases. The purpose of the pilot project was to formalize the Administrative Court's involvement in handling family law cases filed in the District and Superior Courts for Cumberland County, and to report to the Commission to Study the Future of Maine's Courts on the feasibility of establishing a family court in the State of Maine.

In authorizing the Family Court Pilot Project, the Legislature did not provide any specific directives on design or implementation. The Legislature also did not appropriate funds for support staff or equipment. As a result, the project necessarily required substantial research and review to design a project framework within existing limitations.

Between April 1990 and January 1991, regular meetings of judges, court personnel, and a special committee of the Family Law Section of the Maine Bar Association were held. Through these

meetings, relevant literature relating to the family court concept was reviewed, research of case statistics on family law cases in Maine was conducted, evaluation of the existing process for handling family law cases took place, and extensive discussions occurred concerning the goals and design of the pilot project.

On May 22, 1991, a Family Court Pilot Project Memorandum, attached as Appendix B, was adopted and distributed to the public. That memorandum outlined the jurisdiction of the project, the procedures to be followed, and the schedule to be used in handling family law cases. The memorandum was reviewed and discussed with interested members of the public and Bar at a well attended meeting held in the Cumberland County Courthouse on May 22, 1991. The project was implemented on June 10, 1991.

On January 6, 1992, an interim report was submitted to the Commission to Study the Future of Maine's Courts. The Commission conducted a symposium on January 17, 1992, the outcome of which is attached as Appendix A to this report. The participants in the symposium identified the interests and values they would like to see a family court system embody, including, by way of example, protection of children, a heavy reliance on alternative dispute resolution to avoid actual litigation, elimination of perceived economic barriers to participation, establishment of predictable case management, promotion of the perception that participants were truly heard and results were fair, and speedy and efficient enforcement of orders. The participants agreed that it is desirable to reduce the adversarial nature of the current system.

Other issues identified, but not resolved, included the costs associated with the creation of a family court, where it might fit in the present court structure, what level of resources should be devoted to its creation and operation, and who should champion and devise the system. The interests and values identified in the symposium have informed and directed the project.

In 1993, the Legislature, pursuant to P.L. 1993, Chapter 401, Section 5, provided that the project operate as a Family Court Division of the District Court, Superior Court and Administrative Court, authorized the extension of the project until January 15, 1999, authorized the appointment of a Pilot Project Director by the Chief Justice of the Supreme Judicial Court, and directed the convening of a preliminary planning committee by the Project Director to study "the development of a nonadversarial administrative forum that includes social services for family matters."

### **PROJECT IMPLEMENTATION**

The pilot project began operation on June 10, 1991. As of that date, the Administrative, District, and Superior Courts were all located in the new Cumberland County Courthouse annex. The availability of additional courtrooms, and close proximity to court personnel, equipment and files, and the time needed to design the project, all combined to make this start up date ideal.

Implementation of the project included several key features.

In the initial phase, only cases in Cumberland County were included. All cases filed in the Cumberland County Superior Court and Ninth District Court involving divorce, post divorce motions, parentage actions, protection from abuse, and child protective proceedings were made a part of the project. A small core of judges from the Administrative, District, and Superior Courts was authorized by administrative order to hear family law cases regardless of which court received the initial filing. More recently, the project has accepted a limited number of cases from outside Cumberland County.

Uniform, streamlined, and innovative procedures and forms for the handling of family law cases have been adopted. They include case management and pre-trial conferences, and a weekly motion day. Flexibility and access are the keystones to the project. The thrust of the project thus far has been case management with the most discernable result of earlier, increased access to the court process, although in the last year this has been significantly hampered as discussed on pages 7 and 8 of this report.

The weekly motion day is a significant feature of the project. The parties to a divorce or parentage action usually are able to obtain a judicial hearing on motions for temporary orders concerning family law issues, such as custody of children and financial support for children, within seven days of filing a request with the Court. Post divorce and parentage matters, such as requests to enforce or change child support or child visitation

provisions of a divorce or parentage judgment, also are scheduled and decided on the Wednesday motion day. A judge assigned to one courtroom reviews the motions on a Wednesday, hears some of them, and distributes others for hearing in other courtrooms with other available judges. Some judges are scheduled to hear non-family law matters during the course of the day, but are utilized for specific periods of time to hear project cases. This procedure gives the parties immediate access to the courts, maximizes the use of judge time, and results in more timely intervention during the critical early stages of family law proceedings.

The availability of case management conferences has been publicized, and attorneys have been encouraged to use this flexible approach to meet with a judge at any stage of the proceedings to resolve issues without the need for contested hearings or to narrow issues for trial.

The trial lists for final divorces, parentage actions and post divorce and parentage matters, have also been revised. The use of more frequent and shorter lists, rather than long lists on a less frequent basis, allows the project to specifically set cases for hearing when necessary. This also results in cases appearing sooner on lists, thus leading to more settlements and more timely decisions. Cases involving domestic violence, custody, and termination of parental rights are given priority in scheduling hearings.

Consolidation of related cases also occurs. Cases involving the same parties with related issues, such as protection from

abuse complaints and motions pending divorce, are identified and scheduled together. This occurs regularly, but could be further improved with computer programming support.

The District Court in Portland has initiated procedures in child protective cases filed pursuant to Title 22 of the Maine Revised Statutes to provide the court with more supervision and control over the scheduling and priority given to these cases. In addition, pretrial procedures have been established for attorneys in contested cases to request a settlement conference with a judge to contribute to settlement of the matter or refine the issues for trial. Specific trial dates are regularly provided for child protective cases, ensuring a timely hearing for child protective cases.

A state-wide effort, unrelated to the project, resulted in improved and standardized procedures for the handling of protection from abuse cases. These revised and uniform procedures, many of which were already in effect in the Portland District Court, were implemented as part of the project in the Fall of 1993.

As part of the judiciary's participatory management effort, a team has been established to study pro se litigants in family matters. The Project Director is working with the team. The recommendations of the Pro Se Divorce Team, when completed and upon acceptance and approval, will also be implemented as part of the project.

In January, 1994, the Supreme Judicial Court issued an order

establishing a preliminary planning committee on development of a nonadversarial administrative forum whose duties are to advise and assist the Court in the implementation of the recommendation of the Commission on the Future of Maine's Courts concerning planning for a nonadversarial forum as further specified in P.L. 1993, Ch. 401, §5. A critical component of this effort will be to improve the ability of families to solve their own problems. The outcome of this effort may dramatically change the way family matters are currently handled, providing for greater education of parties to family cases and encouraging families to use a variety of nonadversarial means for resolving family cases, and directly impact the project. The Project Director is working as a member of this committee in developing a nonadversarial forum.

Leadership for the project has been provided by a Family Court Pilot Project Committee consisting of former Chief Judge Dana Cleaves of the Administrative Court, District Court Judge Peter J. Goranites, and present Chief Judge Roland Beaudoin of the Administrative Court. In May, 1994, the Chief Justice of the Supreme Judicial Court appointed Associate Judge Joyce A. Wheeler of the Administrative Court as the Director of the Project. Almost all of the judicial staffing for the project has come from the District and Administrative Courts. From Judge Cleave's resignation on November 1, 1993 to March 1994, the Superior Court contributed six to eight days of judge time per month to the project. This allowed the project to substantially maintain the basic schedule established when the project was first implemented

in June of 1991. Since April 1994, the Superior Court has contributed approximately four days of judge time every other month. This, together with fewer available District Court judges, in part because of budgetary constraints, has limited the ability of the project to maintain its original schedule. The result has been substantially fewer trial days and fewer judges to hear Wednesday motions. This means that flexibility and access that have been keystones to the project have been reduced significantly. Additionally, the judge time that is available has been spent hearing family cases to preserve some flexibility and access, rather than working on further development of the project.

#### **INTERIM EVALUATION OF THE PILOT PROJECT**

The response of the Bar and public has been very favorable. Individual judges and court personnel have received regular and frequent positive comments concerning the new process, although more recently there have been comments expressing concern about the difficulty in getting an early hearing. In September 1991, an evaluation questionnaire was distributed to attorneys who have handled cases in the project. The results of that survey reflected general approval of the project. The survey respondents expressed satisfaction with the ability to schedule motions themselves, thus allowing them more control over the process and quick access to the courts; the uniformity and predictability of procedures; and the coordination of scarce judge time, thus allowing more flexibility, sensitivity to the issues involved, and

timely hearings. A new survey and meetings with members of the bench and the bar will be undertaken in 1995.

While uniformity of procedure has improved, there are still variations in process which sometimes result in confusion and unpredictability. The goal of assigning a particular judge to handle a case from start to finish has not yet been realized and is not likely to be realized in the near future. The need for more productive use of early intervention by way of case management and/or pre trial conference is clear. Getting a hearing on Wednesday motion day or an early final hearing date must be preserved.

Although parties in family cases are often required to attend an educational program called Kids First, sponsored by Resources for Divorced Families, there is a need to increase the use of community resources. An immediate goal of the project will be to meet with social services providers to become better informed of services available. A family court is often a social service delivery system. This may be disputed by some who feel that a family court is strictly a court and does not provide any services. However, if we consider the family court in terms of what people are required to do, such as counseling, evaluations, alcohol treatment programs and mediation services, it is very much a social services delivery system. Although budgetary constraints do not allow the project to have social service providers on staff as many family courts do elsewhere in the United States, we do have community programs to whom we can refer the parties who are

often in crisis. Better information and coordination between the courts and community services will maximize the use of community services through court referral so families can get the support they need and use appropriate community resources.

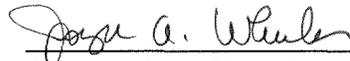
A longer term goal of the project is to maximize the use of trained volunteers. Any comprehensive social service program has to involve the use of trained volunteers to minimize the cost and to maximize the support families in crisis need. The project would like to work with others in the community to develop programs to recruit, train, manage and recognize volunteers to serve as counselors, guardians ad litem, attorneys, supervisors of parental child visits, and advocates for children. This would help to ensure that children and families receive the available services so necessary to the resolution of family disputes.

There remains the goal and statutory directive in P.L. 1993, Ch. 401, §5 to expand into other geographic areas with large numbers of family law cases as well as other areas determined appropriate. This will require meetings with judges, members of the bar and the public, located outside of Cumberland County.

Some of the critical issues identified in the 1992 symposium including the costs associated with the creation of a family court, where it might fit in the present court structure (i.e., a division of the trial courts or a separate court), what level of resources should be devoted to its creation and operation, and who should champion and devise the system, have been resolved for the present. The project, pursuant to P.L. 1993, Ch. 401, §5, has

operated as a Family Court Division of the District Court, Superior Court and Administrative Court. The project has utilized the existing and shrinking resources of the court system, without any additional resources. A director has been appointed to oversee the project, as well as hear cases involving family matters. The project provides a very important service to children and families, and the judges and staff participating in the project remain committed to tackling these critical issues and ensuring a fair and humane process for Maine's children and families involved in the court system.

Respectfully submitted,



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Joyce A. Wheeler  
Associate Administrative Judge  
Director, Family Court Project

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# EXPLORING MAINE'S FUTURE

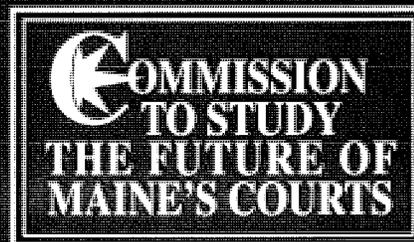
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SYMPOSIUM ON COURT STRUCTURE

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*Pros and Cons of a Unified Trial Court*

*A Family Court for Maine?*



MAINE STATE BAR ASSOCIATION

**EXPLORING MAINE'S FUTURE:  
SYMPOSIUM ON COURT STRUCTURE  
January 17, 1992, Portland, Maine**

**A FAMILY COURT FOR MAINE?**

**SESSION ONE**

*The Family Court: Models and Advantages*

**Presenters:** The Honorable Robert W. Page, Judge, Superior Court Family Part, N.J.

The Honorable Amy Davenport, Judge, Family Court, Vermont

**The New Jersey and Vermont Experience**

Two jurists with experience within a state family court system opened the exploration of the desirability of a family court by outlining their court's structures, strengths and weaknesses. Judge Robert Page noted that the family law needs of New Jersey's eight and one half million people used to be addressed by different sections of the Superior Court and the Juvenile and Domestic Relations Courts. However, under the redesigned structure, one of the four sections of the Superior Court is specifically designed to handle family matters. Judges are generally assigned to one of the four sections at the beginning of the year; rotation of judges ensures that all have experience in family law matters without "burnout" due to the difficulty of the area.

Judge Amy Davenport was sworn in as a Superior Court judge for Vermont's Family Court in October 1990, when it first began. Vermont's county-based court system has three trial Courts: Superior, District and Family. Prior to the Family Court, family law matters were split between Superior and District Courts. Although judges may be designated as Superior or District Court judges, the salary is the same and the courts are equal in stature. Judges rotate assignments on a regular basis under the direction of the Administrative Judge.

Vermont's population distribution varies dramatically county to county. In a county with a large population, the three county courts have separate physical facilities and at least one judge assigned on a full-time basis. However, in those counties with small populations, one judge often fulfills all three assignments according to the day of the week. Although there are three

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separate staffs for the courts, they are housed in a single courthouse.

Judge Page provided an *outline of the functions a family court fulfills*. He noted that it must first and foremost be a court, operating within the confines of the law. Much of the criticism of the family court arises, he pointed out, when it ceases to function as a court. This dictate means that, at times, the court cannot provide full protection to a child when the evidence presented is legally insufficient. Judge Davenport agreed that characterization of the family court as "user friendly" does not excuse it from operating within the accepted confines of legal procedure. Although states have discussed the issue of unique rules of evidence and procedure for family court and its matters, neither Vermont nor New Jersey has adopted such. The only special rules of procedure are the result of either specific legislation relating to family law or to the development of case law.

*The second function of a family court system listed by Judge Page is operation as a social service delivery system.* This includes referral to social services or even the direct provision of services through the court. Judge Davenport characterized this as a hot topic in Vermont; debate centered on the extent to which services should be attached to the court or offered through a contract basis. The court in which Judge Davenport sits has a committee which includes social service providers who meet regularly with judicial staff and judges. Such an approach keeps the courts apprised of the services available and allows the providers to have input to the court system. In New Jersey, staff capabilities vary greatly county to county. In one county, there are only seven employees for the court system; in the most populous county, there are ninety employees, including on-staff evaluators.

Part of the issue of providing services includes the concept of consolidating all family law issues in one court, possibly before one judge. Judge Page argued that such an approach should extend to adult criminal jurisdiction over domestic violence. He cited as an example the state of Hawaii in which the family court can try and sentence an individual for murder of a spouse. Judge Davenport agreed with the unified approach. She noted, however, that Vermont had not added criminal matters to the Family Court docket. Perhaps because of the small size and population of the state, however, the jurisdiction of the Family Court and the criminal jurisdiction have been unified in practice. The same judge often sits on related family matters.

Judge Page suggested that in a state the size of Maine, the family court may not need criminal jurisdiction. He stated his belief that Maine had two identifiable gaps in the provision of social services in divorce matters. It does not provide sufficient support

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for supervised visitation, and it fails to supply newly-divorced individuals with assistance to recreate their lives. New Jersey has set state standards, including one for the provision of supervised visitation, which are implemented on the local level. The state is also starting a new project for direct service by the court to battered women for a six-week period to assist them in gaining some measure of self-sufficiency. Judge Davenport described a pilot project in Vermont which utilizes volunteers to supervise visitation. Although it is run under the auspices of the court, it is a private effort.

*The third component of the family court discussed by Judge Page was case management and processing.* In some respects, Judge Page commented, without this aspect there is no family court. If a family law matter is not resolved within a reasonable period of time, the "solution" adopted by the parties in the interim will prevail. There has to be two tracks for processing cases: standard and priority. Cases involving domestic violence, custody, juvenile detention, and termination of parental rights must be in the latter category. Judge Davenport acknowledged that Vermont is just beginning to experiment with case management systems and the software necessary to manage the docket. Vermont is exploring differentiated case management schedules, setting thirty, sixty and ninety days for resolution of specific types of cases. Only when the court can establish and adhere to realistic case management goals can it be accountable to litigants. Finally, Judge Page commented that if the state can provide speedy trials to adult criminal defendants, should it do any less for a child whose custody is in limbo?

*Administration and organization of the court* were the next items addressed by Judge Page. He suggested that states can adopt uniform standards but have to allow local discretion in implementation. Judge Page listed principles which should guide the administration of family court:

1. Trained judges and staff;
2. One judge and staff for one family;
3. Aggressive case processing and management;
4. Maximum non-adversarial dispute resolution;
5. Establishment of priorities;
6. Access to all;
7. Community services and input; and,
8. Utilization of volunteers.

In briefly discussing these items, Judge Page observed that judges need to "ride shotgun" before they are assigned to sit on cases. New Jersey now devotes three out of eight training days for judges

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to family matters. Judge Davenport noted that Vermont had never trained staff on such issues until the implementation of the family court. The concept of one judge for one family not only avoids the prospect of judge shopping but reduces the sometimes tragic consequences of a judge not having all the information necessary to make coherent decisions on family matters.

The presenters closed their discussion by addressing some of the *pros and cons of a family court system*. Both judges insisted that lack of funding does not mean that the family court is not viable. In Vermont, the Legislature appropriated virtually no additional money for the establishment of the system. A family court system is often more effective at providing services to families, either directly or through court referral. It accords greater recognition and respect to family law matters and the judges and staff who deal with them. Judge Page did admit that the collective approach of a family court system can dilute resources and attention available to other discrete areas of the law, e.g. juvenile code violations. There is also the danger, in systems which do not design a method of rotation, of judicial and staff burnout.

### SESSION TWO

#### *The Family Court—The Maine Perspective*

**Moderator:** Joan Kidman, Esq., Portland attorney

**Presenters:** The Honorable Thomas E. Delahanty, II, Chief Justice of Superior Court

The Honorable Dana A. Cleaves, Chief Judge Administrative Court

Christine Foster, Esq., Office of the Attorney General, Portland

Bruce B. Kerr, Ph.D., Psychotherapist and guardian *ad litem*, Kennebunk

Susan R. Kominsky, Esq., Bangor attorney

Richard J. Maiman, Ph.D., Co-author of *Divorce Law Practice in Maine and New Hampshire*

The Maine perspective on the prospect of a family court was provided by a number of practitioners, judges and service providers.

**Judge Dana Cleaves:** Judge Cleaves outlined the operation of the Family Court Pilot Project in Portland. He noted that the project is premised on the principle that family law needs special attention in the judicial system. In part this is due to sheer volume; sixty to sixty-five percent of all civil litigation are family-related matters. The subject matter is sensitive and emotion-laden. The various types of proceedings which impinge on the family may result in inconsistent decisions and results. Specifically in Maine, the con-

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current jurisdiction of the District and Superior Courts allows the possibility of judge shopping and, again, inconsistent results.

The pilot project was established through the same legislation which created the Commission to Study the Future of Maine Courts. Because no financial support was provided in the legislation, the thrust of the project has been case management. The most discernable result has been earlier, increased access to the court process. Some of that improvement is attributable to the increased courtroom space afforded by the completion of the expansion of the Cumberland County Courthouse and the enhanced computer capabilities. Under the pilot project, one day per week is devoted to motions in divorce actions; attorneys do the scheduling for that calendar. On that day, there is an initial call of the docket, then a disposition of the matters according to response. This approach also utilizes the "down time" of judges awaiting docket calls or negotiations on other matters, such as criminal and juvenile cases. Judge Cleaves indicated that the project has shortened the delay in hearings on motions by several months.

Another feature of the project is the ability of an attorney to request a case management conference in addition to pretrial procedure. This has reduced the fragmentation which frequently characterizes trials in these matters.

Judge Cleaves acknowledged that there are some limitations inherent in the project. The geographic scope of the pilot phase was necessarily small. Criminal and juvenile dockets were not included, reflecting debate nationwide about inclusion of these matters in a family court system. Judges and staff received no training in the system or subject matter. There remain some significant differences in practice among judges, often reflective of their own priorities and pragmatism. Other than standard mediation, there are insufficient alternative dispute resolution systems available. The pilot project is also hampered by separate docketing and handling of Superior and District Court matters. Judge Cleaves suggested that the system must develop relationships with social service providers and create a system of judicial rotation.

**Susan Kominsky:** Ms. Kominsky, an attorney practicing in the Bangor, Maine area, admitted she had initially had some concerns about the family court concept for Maine, although those had abated somewhat in light of the discussions generated in the symposium. Her analysis of whether the state needed such a system began with the question of what is wrong with the current system. Ms. Kominsky cited the lack of speed with which family matters are dealt with as a primary flaw of the system. When cases are taken up, it is often in a piecemeal fashion which is extremely difficult for all involved. However, Ms. Kominsky indicated, such delays can often prompt settlement of cases as well.

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The right of appeal to Superior Court also results in delay in finalization of decisions. But, Ms. Kominsky asked, does the state need a family court to solve these difficulties?

The family court approach may create its own problems as well. A judge who hears only family law matters might "burn out" on that diet, although that might be averted by institutionalized rotation. Form might be preempted by function in rural areas where there is only one judge available to meet the needs of criminal, civil and family law dockets. Finally, Ms. Kominsky suggested that the creation of a separate family court might lead to a perception that those matters are less, rather than more, important and that judges who decide them are second rate.

**Assistant Attorney General Christine Foster:** Ms. Foster remarked that her experience with the pilot project had been very positive. Her caseload of child protection cases, now over three hundred cases, has been successfully handled by the project. The assignment of special trial dates and judges for child protection matters has improved the processing of these matters and enhanced the knowledge of the judges who hear these cases.

**Bruce Kerr, M.D.:** The quality of justice was also mentioned by Dr. Kerr, a children's therapist and guardian *ad litem* in family matters. He noted that divorce is a "crazy time" during which people who are relatively stable psychologically may simply fall apart. There is a dramatic shift from being the object of affection to the subject of contempt. Society requires that the dissolution of the marriage be formalized in the court system, a system which often operates to exacerbate the pain and disagreement. This is the natural result in an adversarial system posited on the theory that the best result is the product of a fair fight before an impartial referee. Particularly in family matters, and especially when children are involved, this may not be the best method of resolving differences. Dr. Kerr pointed out that when the elephants stampe, the chipmunks often get killed; it is not a function of intent, simply relative weight.

Dr. Kerr also cautioned those present that the relative calm suggested by the term "post divorce" is misleading. Often that period is just the beginning of an individual's efforts to cope and to rebuild. Participants are often emotionally, financially, and physically exhausted.

Individuals, offered Dr. Kerr, observe that the system can be utilized to wear a party down and to take advantage of their financial inequality and emotional fatigue. As a result, people do not see the court as a useful social system; they have little faith that it works.

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Dr. Kerr raised a fundamental question: Should society determine that it will not allow people to fight over divorce or the custody of their children? Or perhaps we have just never developed a social set of rules, an "etiquette for divorce", akin to the mores which have grown up around how one is to get married. Dr. Kerr suggested there is a need for the evolution of the court institution to meet the real demands of society in family matters.

**Professor Richard Maiman:** Author Maiman outlined the results of his recent study of the practice of divorce law in Maine and New Hampshire. The study suggests a connection between the development of specialized courts and the evolution of a specialized bar, especially in urban areas. At present in Portland, Maine, about forty percent of the divorces filed by attorneys are handled by approximately ten percent of the attorneys who have domestic relations practices. Dr. Maiman theorized that the institution of a family court in Maine would result in an even greater number of those cases being handled by a small group of attorneys.

The study also contained revelations about the type of attorneys who handle divorce matters. In a series of interviews, attorneys were asked a number of questions directed toward their "role orientations" toward their practice. Three orientations emerged: those who adopted a client adjustment approach, those who were more attuned to the practice as a legal craft, and those who really combined the two approaches. Dr. Maiman found that forty-six percent of those interviewed in the two states fell into the second category, twenty-eight percent into the first, and twenty-six percent into the third. However, if the survey contained only those who specialized in the practice of divorce law, the distribution was one third in each category. Dr. Maiman also found that female specialists were more likely than male counterparts to be identified as utilizing a client adjustment approach. Dr. Maiman closed by pointing out that the main impression individuals have about the court system is how they were treated by those in the system: judges, lawyers and others. Therefore, court modification which results in changes in lawyer allocation and relationships bears close scrutiny.

**Chief Justice Thomas Delahanty, II:** Chief Justice Delahanty described the Superior Court's limited participation in the Family Court Project. One Superior Court justice has been named as the court's representative to the Family Court. He devotes one week every other month to the project, essentially hearing cases which have already been pretried.

Chief Justice Delahanty noted the mixed success of the project. Although it has allowed greater certainty regarding trial dates and has separated family matters from other types of actions, it still takes approximately the same amount of time to obtain a contested

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hearing date. Justice Delahanty suggested it is necessary to look at what factors prompt filing of divorce actions in Superior rather than District Court, given the concurrent jurisdiction. The most crucial factor may be the avoidance of intermediate appeal in the Superior Court. Other factors often identified, although Justice Delahanty questioned their applicability, are the increased opportunity for Superior Court justices to prepare for and try cases and the reduced competition for Court and justice time attributable to the Superior Court's lower caseload demands. Justice Delahanty questioned whether the Cumberland County experience could be duplicated in other, more rural areas of the state. He observed that Cumberland County is unique in terms of its caseload, resources and access. On a broader note, he wondered what form this special court would take: separate court, division of an existing court, or special assignments. Will a family court divert resources away from other, equally important matters which the Court must handle? Justice Delahanty questioned whether a family court would lead to the creation of a separate set of rules and a limited circle of practicing attorneys.

### Discussion Among Presenters

The question of *application to rural areas* was thrown open to the presenters. Judge Davenport acknowledged that the reality of rural counties is that a family court operates less as a separate court than a division of a court. She took exception to Justice Delahanty's suggestion that the creation of a family court undermines the development of a unitary system. It is really more analogous, she argued, to the separate focus of the court on civil and criminal matters. Although the same judge may handle all those matters on any given day, the staff and procedures allow individual attention to each subject matter.

Judge Davenport also discussed how cases might be better served by approaches other than traditional litigation. She argued that the court itself can educate consumers about *alternative means of resolution* and even direct them to those options. Equally important, it can advise individuals that the adversarial process can produce results other than those sought by the litigants. Judge Page described the goal of his state's committee on dispute resolution as offering alternative methods to all citizens as a complement to the trial system. Dr. Kerr concurred that individuals need to know exactly what the law says and what the controlling "rules of the game" are before they engage in the system.

## COMMISSION TO STUDY THE FUTURE OF MAINE COURTS

### SESSION THREE

#### *The Family Court—Seeking Consensus on a System for Maine*

**Moderator:** Jonathan W. Reitman, Esq., mediator and arbitrator

Moderator Jonathan Reitman, Esq. opened by noting that the question still under discussion is whether Maine should have a family court. To attack that question, he asked the participants to identify *the interests and values they would like to see a family court system embody*. Those identified included the following:

- A heavy reliance on alternative dispute resolution to avoid actual litigation
- Protection of children
- Establishment of a cooperative attitude with parents to enhance coparenting post divorce
- Elimination of perceived economic barriers to participation
- Creation of a “user friendly” system
- Promotion of the perception that participants were truly heard and results were fair
- Establishment of predictable case management
- Finality of decisions with the ability to promptly reopen consideration if decisions clearly not viable
- Protection of all litigants’ rights
- Sensitivity to gender-based inequalities
- Uniformity in treatment of issues
- Sensitivity to the values of the litigants
- Access to and knowledge of related resources
- The opportunity to make choices at even the earliest stages, including the choice not to utilize the court itself; and,
- Speedy and efficient enforcement of orders.

Each of these components engendered some discussion, some more heated than others. On the issue of access by all, including those proceeding *pro se*, concern was expressed that that goal not be accomplished at the expense of *real and perceived impartiality of the court itself*. In Vermont, the courts themselves have sponsored and conducted some *pro se* workshops in which clerks review forms and provide general information on the court process. Such an approach has reduced the daily burden on support staff to respond to citizen questions and has also increased the ability of the court to maintain its neutrality.

Most agreed that it was desirable to *reduce the adversarial nature of the current system*, including working to defuse cases

## SYMPOSIUM ON COURT STRUCTURE

before they come to trial. The suggestion was also offered that *better training for staff and judges* would be desirable, as would *improved case preparation*, especially on economic issues. There was some discussion of the concept of bifurcating custody and economic issues to simplify matters and reduce disagreements.

On the subject of *case management*, it was noted that several states have already established both goals and standards for producing decisions in cases. Failure to comply with those standards can result in sanctions. There was some call for flexibility in time frames, based upon a perception that these emotionally charged issues may require accommodation to the participant's ability to process and respond to developments. The question was raised, however, as to whose time frame should be paramount: the parents or the child's.

Other issues to be addressed included the *costs* associated with the creation of a family court, *where it might fit* in the present court structure, *what level of resources* should be devoted to its creation and operation, and *who would champion and devise* the system. Many of the desired characteristics identified through the discussion call for attitudinal changes on the part of users and consumers of the system.

FAMILY COURT PILOT PROJECT  
MAY 22, 1991

This document contains a summary outline of the family court project, and procedures to be implemented as part of the project.

The project will include all divorce cases, child protective cases, and protection from abuse cases filed in the Portland District Court and the Cumberland County Superior Court. The official starting date for the project is June 10, 1991. Cases filed after that date will follow all required procedures. Old cases filed prior to that date will be integrated into the project at the stage at which the case stands as of June 10, 1991.

Cases will continue to be filed in the separate District and Superior Courts, and the original documents must be filed in the court where the case is pending. All cases will follow the same procedure and schedule, however, with one of the goals of the project being uniform handling of cases regardless of which court has jurisdiction. In that regard, a limited number of judges will sit in both District and Superior Courts and hear all project cases regardless of which court has jurisdiction.

Those attorneys who practice regularly in Superior Court will note that the procedure for handling divorce cases will change substantially. For example, motions pending will not be scheduled by the court mailing a hearing list to the parties; and pretrial scheduling statements, reports of conference of counsel, and expedited pretrial orders will not be used. This change, however, applies only to divorce cases. All other Superior Court cases must comply with all requirements of the civil rules.

A new court schedule is attached to this summary. The schedule is based on a four week cycle, and is based in large part on the prior District Court schedule. Superior Court cases will be integrated into this schedule. Because of the limited number of judges available, and the need for gradual access to the new courthouse addition, the schedule for the summer of 1991 will be flexible and somewhat diminished.

### New Scheduling Features of the Family Court Pilot Project

1. Two days per 4 week cycle will be devoted to screening, case management conferences, and pre-trials for divorce cases.
2. Wednesday domestic motion days in District Court will be expanded so that a full day and one-half of judge time will be devoted to the calling, hearing and disposition of all pre-divorce motions for both

District and Superior Court cases. These motions will be scheduled by the parties and will allow quicker access to the courts.

3. In each 4 week cycle there will be 3 two day fast track trial lists, 2 four day complex track trial lists, and 1 five day complex track trial list for divorce cases. The schedule also allows for specially assigned trial dates. Fast track cases will generally be simpler cases requiring 1 1/2 days or less for trial.

4. In each 4 week cycle there will be 2 three day trial lists for child protective cases.

5. In each 4 week cycle, every Friday in Courtroom III is devoted to protection from abuse cases.

## Summary Outline of Procedures for the Family Court Pilot Project.

### I. FILING OF DOCUMENTS

1. All original documents must be filed in the court where the case is pending, i.e., the District Court or Superior Court. Original documents should not be filed in the Administrative Court. In the ordinary course, there should no longer be a need to forward duplicates to the Administrative Court.

2. A cover letter/information checklist which will be available should be filed with each divorce complaint and post-divorce motion to modify.

### II. PRE-JUDGMENT DIVORCE MOTIONS

1. Motions Pending Divorce, and other pre-judgment motions requiring a hearing, will be heard every Wednesday. The attorneys involved must include a notice of hearing when filing a motion. The moving party schedules the motion according to the notice requirements of the rules of procedure. Lists of cases scheduled for hearing on a particular Wednesday will not be published.

2. If the parties agree to continue a motion previously scheduled, they must advise the appropriate court in writing and must include a new notice of hearing with hearing date. If a party objects to a continuance, a written motion to continue pursuant to the civil rules must be filed in the appropriate court, and acted on accordingly.

3. Uncontested/agreed-to pre-judgment motions may be presented for approval on any Wednesday motion day, or to an available judge on any other day. The proposed order must have the seen and approved signatures of the parties and/or attorneys.

4. Wednesday Motion Days: there will be a call of cases by a screening judge on Wednesday mornings in Courtroom II. That screening judge will assign cases for mediation, will sign agreed-to orders, will hear some of the contested cases, and will assign cases for hearing that morning or afternoon to the other judge assigned to Wednesday motion day in Courtroom V. Depending on how many cases are to be heard that day, hearings may or may not be limited to 30 minutes. If a motion cannot be heard in full that day, it will be assigned for another day in the near future. When appropriate, the judges assigned to Wednesday motion day will attempt to do case management conferences and/or pre-trial conferences at the same time as the motion is heard.

5. Parties will be responsible for having mediation done before the Wednesday motion day. Mediators will be available on Wednesday motion day, but a sufficient number of mediators and time cannot be guaranteed.

### III. CASE MANAGEMENT CONFERENCES

1. A case management conference will be available for each divorce case requiring intervention. The purpose of the conference will be to obtain an early intervention into the case by a judge to hopefully narrow the issues, direct the parties to appropriate community resources and services, and assign the case to the fast or complex track for trial. A case management order will be issued as a result of the conference.

2. An attempt will be made to hold the case management conference at any hearing or conference with a judge at which the attorneys or parties are present, such as at a motion pending hearing.

3. Parties are encouraged to request a case management conference, and judges will be available for these conferences.

### IV. PRE-TRIAL CONFERENCES

1. Each divorce case will have a pre-trial conference. The pre-trial conference will perform its usual function, and will result in a pre-trial order and the case being scheduled for trial within a reasonably short period of time thereafter.

2. If appropriate an attempt will be made to hold the pre-trial conference at a hearing or conference with the judge when the parties or attorneys are present. Most cases, however, will probably be scheduled for a pre-trial conference by the court, and a list of cases scheduled will be mailed to the appropriate parties.
3. A party shall request a pre-trial conference when the party feels the case is ready for trial.

#### V. PRESUMPTIVE ORDERS

1. In those cases where there is no activity or other intervention for 9 months which would trigger a hearing or case management conference, a so-called presumptive order will be issued. A judge will review the file and sign an order which assigns the case to the fast or complex track, sets a discovery deadline, and schedules a pre-trial conference. Parties may object to the presumptive order by filing a written objection with the appropriate court within 10 days of the order. If an objection is received, the case will be scheduled for a case management conference or for other appropriate action.

#### VI. FINAL DIVORCE HEARINGS

1. Uncontested divorces will be heard every Monday through Thursday at 8:15 in Courtroom IV. They will be heard on a "walk-in" basis, and will not require pre-scheduling. Parties must comply with statutory requirements as to documents and language, and the currently used District Court checklist, before the divorce will be heard. Because of the expected increase in uncontested divorces from the current District Court caseload, this requirement will be strictly enforced.
2. Contested divorces will be placed on the fast track or complex track. Fast track cases will be heard during the 3 two day lists in each four week cycle. They may also be specially assigned when necessary. Complex cases will be heard during the 2 four day lists or 1 five day list in each 4 week cycle. They may also be specially set when necessary. Trial lists will be mailed to the appropriate parties each month.
3. Requests for continuances of contested cases scheduled for trial must be by written motion complying with the civil rules, and must be filed in the court where the case is pending at least 7 days before trial. However, because scheduling will be done in the Administrative Court clerk's office, attorneys wishing to check on the status of their case on a particular trailing list should contact the Administrative Court clerk to determine where their case is on a particular list.

## VII. POST-JUDGMENT DIVORCE MOTIONS

1. Post-judgment divorce motions, such as motions to modify or motions for contempt, will be handled like divorce complaints to the extent possible. Contested post-judgment motions will not be heard on Wednesday motion days. They will be scheduled for a pre-trial conference by the court after mediation (if required), but no sooner than 21 days after filing of the motion. At the pre-trial conference, the motion will be scheduled for trial on the fast or complex track.
2. All Uncontested/agreed-to post-judgment motions to modify will be heard on Wednesday motion days. Testimony will be required pursuant to Civil Rule 80. The parties may appear on any Wednesday on a "walk in" basis without prior notice to the court.

## VIII. CHILD PROTECTIVE CASES

1. Every Tuesday afternoon will continue to be scheduled for case management/pre-trial of child protective cases.
2. Contested child protective cases will be scheduled for the 2 three day trial lists in each 4 week cycle.
3. Some child protective cases will be specially set for trial on dates other than the 2 three day trial lists when necessary.

## IX. PROTECTION FROM ABUSE CASES

1. Protection From Abuse cases will be scheduled all day every Friday in Courtroom III in the 4 week cycle. The cases will be called in the morning and heard throughout the day.
2. Protection from Harassment cases are not officially a part of the Family Court Project. Nevertheless, they will continue to be scheduled every Friday along with the Protection From Abuse cases.

| SCHEDULE - WEEK I |  |   |  |   |   |  |                                 |
|-------------------|--|---|--|---|---|--|---------------------------------|
|                   | DISTRICT COURT                               |   |  | * FAMILY COURT PILOT PROJECT *              |   | ADMINISTRATIVE COURT   |                                 |
| Day/Time          | DISTRICT COURT<br>Courtroom I<br>Lower Level | DISTRICT COURT<br>Courtroom II<br>Large Secured 1st Floor | DISTRICT COURT<br>Courtroom III<br>Small Secured 1st Floor                     | DISTRICT COURT<br>Courtroom IV<br>1st Floor | ADMINISTRATIVE COURT<br>Courtroom V<br>Hearing Room 1st Floor | ADMINISTRATIVE COURT<br>Courtroom VI<br>Old Courtroom 1                    | SUPERIOR COURT<br>Courtroom VII |
| MONDAY            |  |   |  |   |   |  | <i>Days to be assigned</i>      |
| 8:15 A.M.         | Default Procedures                           |   |  | <i>Uncontested Divorces</i>                 |   |  |                                 |
| 9:00 A.M.         | Arraignments                                 | Arraignments  | Pineland, or<br><i>Domestic Screening, Pre-<br/>trials, or Case Management</i> | Civil Motions                               | <i>Domestic Trials</i><br>FTTL (A) (2)                        | Administrative Court   |                                 |
| 10:30 A.M.        | Traffic Trials                               | Traffic Trials  |  |   | (Fast Track 2 Day<br>Trailing List)                           |  |                                 |
| 1:00 P.M.         | Criminal Trials                              | Criminal Trials   |  | Civil Trials                                |   |  |                                 |
| TUESDAY           |  |   |  |   |   |  |                                 |
| 8:15 A.M.         | Default Procedures                           |   |  | <i>Uncontested Divorces</i>                 |   |  |                                 |
| 9:00 A.M.         | Arraignments                                 | Arraignments  | Small Claims   | Civil Trials                                | <i>Domestic Trials</i><br>FTTL (A) (2)                        | <i>Domestic Trials</i><br>CTL (A) (4) Complex Trial<br>4 Day Trailing List |                                 |
| 10:30 A.M.        | Traffic Trials                               | Traffic Trials  |  |   |   |  |                                 |
| 1:00 P.M.         | Criminal Trials                              | Criminal Trials   | <i>Protective Custody Cases</i>  | Civil Trials                                |   |  |                                 |
| WEDNESDAY         |  |   |  |   |   |  |                                 |
| 8:15 A.M.         | Default Procedures                           |   |  | <i>Uncontested Divorces</i>                 |   |  |                                 |
| 9:00 A.M.         | Arraignments                                 | <i>Divorce Motions Call</i>                               | Special Assignments  | <i>Protective Custody Trials</i><br>PCTL    | <i>Domestic Motions</i>                                       | <i>Domestic Trials</i><br>CTL (A) (4)                                      |                                 |
| 10:00 A.M.        | Special Assignments                          |   |  |   |   |  |                                 |
| 11:00 A.M.        |  |   | Juvenile Pleas   |   |   |  |                                 |
| 1:00 P.M.         | Disclosures                                  | Forcible Entries & Detainers                              | Juvenile Matters   |   | <i>Domestic Motions</i>                                       |  |                                 |
| THURSDAY          |  |   |  |   |   |  |                                 |
| 8:15 A.M.         | Default Procedures                           |   |  | <i>Uncontested Divorces</i>                 |   |  |                                 |
| 9:00 A.M.         | Arraignments                                 | Arraignments  | Juvenile Arraignments  | <i>Protective Custody Trials</i><br>PCTL    | <i>Domestic Reserved</i>                                      | <i>Domestic Trials</i><br>CTL (A) (4)                                      |                                 |
| 10:30 A.M.        | Traffic Trials                               | Traffic Trials  | Juvenile Matters   |   |   |  |                                 |
| 1:00 P.M.         | Criminal Trials                              | Criminal Trials   | Juvenile Matters   |   |   |  |                                 |
| FRIDAY            |  |   |  |   |   |  |                                 |
| 8:15 A.M.         | Default Procedures                           |   |  |   |   |  |                                 |
| 9:00 A.M.         | Arraignments                                 | Arraignments  | <i>Protect. from Abusel Harrass.</i>   | <i>Protective Custody Trials</i><br>PCTL    | Administrative Court  | <i>Domestic Trials</i><br>CTL (A) (4)                                      |                                 |
| 10:30 A.M.        | Traffic Trials                               | Traffic Trials  |  |   |   |  |                                 |
| 1:30 P.M.         | Fine Payment Matters                         | Special Assignments                                       | <i>Protect. from Abusel Harrass.</i>   |   |   |  |                                 |

LEGENE

TL = Fast Track Trial List / CTL = Complex Trial List / PCTL = Protective  
Custody Trial List / Italic = Family Court Pilot Project

SCHEDULE - WEEK II

|            | DISTRICT COURT                               |   | * FAMILY COURT PILOT PROJECT *   |   | ADMINISTRATIVE COURT  |   |                                 |
|------------|--|---|--|---|---|---|---------------------------------|
| Day/Time   | DISTRICT COURT<br>Courtroom I<br>Lower Level | DISTRICT COURT<br>Courtroom II<br>Large Secured 1st Floor | DISTRICT COURT<br>Courtroom III<br>Small Secured 1st Floor             | DISTRICT COURT<br>Courtroom IV<br>1st Floor | ADMINISTRATIVE COURT<br>Courtroom V<br>Hearing Room 1st Floor | ADMINISTRATIVE COURT<br>Courtroom VI<br>Old Courtroom 1 | SUPERIOR COURT<br>Courtroom VII |
| MONDAY     |  |   |  |   |   |   | <i>Days to be assigned</i>      |
| 8:15 A.M.  | Default Procedures                           |   |  | Uncontested Divorces                        |   |   |                                 |
| 9:00 A.M.  | Arraignments                                 | Arraignments  | Pincland, or<br>Domestic Screening, Pre-<br>trials, or Case Management | Civil Contested Motions                     | Administrative Court  | Administrative Court                                    |                                 |
| 10:30 A.M. | Traffic Trials                               | Traffic Trials  |  |   |   |   |                                 |
| 1:00 P.M.  | Criminal Trials                              | Criminal Trials   |  | Civil Trials                                |   |   |                                 |
| TUESDAY    |  |   |  |   |   |   |                                 |
| 8:15 A.M.  | Default Procedures                           |   |  | Uncontested Divorces                        |   |   |                                 |
| 9:00 A.M.  | Arraignments                                 | Arraignments  | Small Claims   | Civil Trials                                | Administrative Court  | Administrative Court                                    |                                 |
| 10:30 A.M. | Traffic Trials                               | Traffic Trials  |  |   |   |   |                                 |
| 1:00 P.M.  | Criminal Trials                              | Criminal Trials   | Protective Custody Cases   |   |   |   |                                 |
| WEDNESDAY  |  |   |  |   |   |   |                                 |
| 8:15 A.M.  | Default Procedures                           |   |  | Uncontested Divorces                        |   |   |                                 |
| 9:00 A.M.  | Arraignments                                 | Divorce Motions Call                                      | Special Assignment   | Civil Trials                                | Domestic Motions  | Domestic Reserved                                       |                                 |
| 10:00 A.M. | Special Assignments                          |   |  |   |   |   |                                 |
| 11:00 A.M. |  |   | Juvenile Pleas   |   |   |   |                                 |
| 1:00 P.M.  | Disclosures                                  | Forcible Entries & Detainers                              | Juvenile Matters   |   | Domestic Motions  |   |                                 |
| THURSDAY   |  |   |  |   |   |   |                                 |
| 8:15 A.M.  | Default Procedures                           |   |  | Uncontested Divorces                        |   |   |                                 |
| 9:00 A.M.  | Arraignments                                 | Arraignments  | Juvenile Arraignments  | Civil Trials                                | Administrative Court  | Domestic Reserved                                       |                                 |
| 10:30 A.M. | Traffic Trials                               | Traffic Trials  | Juvenile Matters   |   |   |   |                                 |
| 1:00 P.M.  | Criminal Trials                              | Criminal Trials   | Juvenile Matters   |   |   |   |                                 |
| FRIDAY     |  |   |  |   |   |   |                                 |
| 8:15 A.M.  | Default Procedures                           |   |  |   |   |   |                                 |
| 9:00 A.M.  | Arraignments                                 | Arraignments  | Protect. from Abuse/Harrasa.   | Civil Trials                                | Administrative Court  | Domestic Reserved                                       |                                 |
| 10:30 A.M. | Traffic Trials                               | Traffic Trials  |  |   |   |   |                                 |
| 1:30 P.M.  | Fine Payment Matters                         | Special Assignments                                       | Protect. from Abuse/Harrass.   |   |   |   |                                 |

LEGEND:

TL = Fast Tract Trial List / CLT = Complex Trial List / PCTL = Protective Civil Trial List / Italic = Family Court Pilot Project

5/15/91

| SCHEDULE - WEEK III |                            |   |   |  |  |                                       |                            |
|---------------------|----------------------------|---|---|--|--|---------------------------------------|----------------------------|
| DISTRICT COURT      |                            | * FAMILY COURT PILOT PROJECT *          |   |  |  | ADMINISTRATIVE COURT                  |                            |
| Day/Time            | Courtroom I<br>Lower Level | Courtroom II<br>Large Secured 1st Floor | Courtroom III<br>Small Secured 1st Floor                                  | Courtroom IV<br>1st Floor                | Courtroom V<br>Hearing Room 1st Floor  | Courtroom VI<br>Old Courtroom 1       | Courtroom VII              |
| <b>MONDAY</b>       |                            |   |   |  |  |                                       | <i>Days to be assigned</i> |
| 8:15 A.M.           | Default Procedures         |   |   | <i>Uncontested Divorces</i>              |  |                                       |                            |
| 9:00 A.M.           | Arraignments               | Arraignments                            | Pineland, or<br><i>Domestic Screening, Pre-trials, or Case Management</i> | Civil Motions                            | <i>Domestic Trials</i><br>FITL (C) (2) | Administrative Court                  |                            |
| 10:30 A.M.          | Traffic Trials             | Traffic Trials                          |   |  | (Fast Track Trial List)                |                                       |                            |
| 1:00 P.M.           | Criminal Trials            | Criminal Trials                         |   | Civil Trials                             |  |                                       |                            |
| <b>TUESDAY</b>      |                            |   |   |  |  |                                       |                            |
| 8:15 A.M.           | Default Procedures         |   |   | <i>Uncontested Divorces</i>              |  |                                       |                            |
| 9:00 A.M.           | Arraignments               | Arraignments                            | Small Claims  | Civil Trials                             | <i>Domestic Trials</i><br>FITL (C) (2) | <i>Domestic Trials</i><br>CTL (B) (4) |                            |
| 10:30 A.M.          | Traffic Trials             | Traffic Trials                          |   |  |  |                                       |                            |
| 1:00 P.M.           | Criminal Trials            | Criminal Trials                         | <i>Protective Custody Cases</i>   |  |  |                                       |                            |
| <b>WEDNESDAY</b>    |                            |   |   |  |  |                                       |                            |
| 8:15 A.M.           | Default Procedures         |   |   | <i>Uncontested Divorces</i>              |  |                                       |                            |
| 9:00 A.M.           | Arraignments               | <i>Divorce Motions Call</i>             | Special Assignments   | <i>Protective Custody Trials</i><br>PCTL | <i>Domestic Motions</i>                | <i>Domestic Trials</i><br>CTL (B) (4) |                            |
| 10:00 A.M.          | Special Assignments        |   |   |  |  |                                       |                            |
| 11:00 A.M.          |                            |   | Juvenile Pleas  |  |  |                                       |                            |
| 1:00 P.M.           | Disclosures                | Forcible Entries & Detainers            | Juvenile Matters  |  | <i>Domestic Motions</i>                |                                       |                            |
| <b>THURSDAY</b>     |                            |   |   |  |  |                                       |                            |
| 8:15 A.M.           | Default Procedures         |   |   | <i>Uncontested Divorces</i>              |  |                                       |                            |
| 9:00 A.M.           | Arraignments               | Arraignments                            | Juvenile Arraignments   | <i>Protective Custody Trials</i><br>PCTL | <i>Domestic Reserved</i>               | <i>Domestic Trials</i><br>CTL (B) (4) |                            |
| 10:30 A.M.          | Traffic Trials             | Traffic Trials                          | Juvenile Matters  |  |  |                                       |                            |
| 1:00 P.M.           | Criminal Trials            | Criminal Trials                         | Juvenile Matters  |  |  |                                       |                            |
| <b>FRIDAY</b>       |                            |   |   |  |  |                                       |                            |
| 8:15 A.M.           | Default Procedures         |   |   |  |  |                                       |                            |
| 9:00 A.M.           | Arraignments               | Arraignments                            | <i>Protect. from Abuse/Harrass.</i>                                       | <i>Protective Custody Trials</i><br>PCTL | Administrative Court                   | <i>Domestic Trials</i><br>CTL (B) (4) |                            |
| 10:30 A.M.          | Traffic Trials             | Traffic Trials                          |   |  |  |                                       |                            |
| 1:30 P.M.           | Fine Payment Matters       | Special Assignments                     | <i>Protect. from Abuse/Harrass.</i>                                       |  |  |                                       |                            |

LEGEND: F = Fast Tract Trial List / CLT = Complex Trial List / PCTL = Protective Custody Trial List / Italic = Family Court Pilot Project

5/15/91

SCHEDULE - WEEK IV

|            |  | DISTRICT COURT                                      |   |                                       |   | * FAMILY COURT PILOT PROJECT *                    |                                    | ADMINISTRATIVE COURT         |  |
|------------|--|---|---|---------------------------------------|---|---|------------------------------------|------------------------------|--|
| Day/Time   | DISTRICT COURT Courtroom I Lower Level | DISTRICT COURT Courtroom II Large Secured 1st Floor | DISTRICT COURT Courtroom III Small Secured 1st Floor            | DISTRICT COURT Courtroom IV 1st Floor | ADMINISTRATIVE COURT Courtroom V Hearing Room 1st Floor | ADMINISTRATIVE COURT Courtroom VI Old Courtroom I | ADMINISTRATIVE COURT Courtroom VII | SUPERIOR COURT Courtroom VII |  |
| MONDAY     |  |   |   |                                       |   |   |                                    | <i>Days to be assigned</i>   |  |
| 8:15 A.M.  | Default Procedures                     |   |   | <i>Uncontested Divorces</i>           |   |   |                                    |                              |  |
| 9:00 A.M.  | Arraignments                           | Arraignments  | Pineland, or Domestic Screening, Pre-trials, or Case Management | Civil Motions                         | <i>Domestic Trials</i><br>FTTL (D) (2)                  | <i>Domestic Trials</i><br>CTL (5) or (2+3)        |                                    |                              |  |
| 10:30 A.M. | Traffic Trials                         | Traffic Trials                                      |   |                                       |   |   |                                    |                              |  |
| 1:00 P.M.  | Criminal Trials                        | Criminal Trials                                     |   | Civil Trials                          |   |   |                                    |                              |  |
| TUESDAY    |  |   |   |                                       |   |   |                                    |                              |  |
| 8:15 A.M.  | Default Procedures                     |   |   | <i>Uncontested Divorces</i>           |   |   |                                    |                              |  |
| 9:00 A.M.  | Arraignments                           | Arraignments  | Small Claims  | Civil Trials                          | <i>Domestic Trials</i><br>FTTL (D) (2)                  | <i>Domestic Trials</i><br>CTL (5) or (2+3)        |                                    |                              |  |
| 10:30 A.M. | Traffic Trials                         | Traffic Trials                                      |   |                                       |   |   |                                    |                              |  |
| 1:00 P.M.  | Criminal Trials                        | Criminal Trials                                     | <i>Protective Custody Cases</i>                                 |                                       |   |   |                                    |                              |  |
| WEDNESDAY  |  |   |   |                                       |   |   |                                    |                              |  |
| 8:15 A.M.  | Default Procedures                     |   |   | <i>Uncontested Divorces</i>           |   |   |                                    |                              |  |
| 9:00 A.M.  | Arraignments                           | <i>Divorce Motions Call</i>                         | Special Assignments   | Civil Trials                          | <i>Domestic Motions</i>                                 | <i>Domestic Trials</i><br>CTL (5) or (2+3)        |                                    |                              |  |
| 10:00 A.M. | Special Assignments                    |   |   |                                       |   |   |                                    |                              |  |
| 11:00 A.M. |  |   | Juvenile Pleas  |                                       |   |   |                                    |                              |  |
| 1:00 P.M.  | Disclosures                            | Forcible Entries & Detainers                        | Juvenile Matters  |                                       | <i>Domestic Motions</i>                                 |   |                                    |                              |  |
| THURSDAY   |  |   |   |                                       |   |   |                                    |                              |  |
| 8:15 A.M.  | Default Procedures                     |   |   | <i>Uncontested Divorces</i>           |   |   |                                    |                              |  |
| 9:00 A.M.  | Arraignments                           | Arraignments  | Juvenile Arraignments   | Civil Trials                          | Administrative Court                                    | <i>Domestic Trials</i><br>CTL (5) or (2+3)        |                                    |                              |  |
| 10:30 A.M. | Traffic Trials                         | Traffic Trials                                      | Juvenile Matters  |                                       |   |   |                                    |                              |  |
| 1:00 P.M.  | Criminal Trials                        | Criminal Trials                                     | Juvenile Matters  |                                       |   |   |                                    |                              |  |
| FRIDAY     |  |   |   |                                       |   |   |                                    |                              |  |
| 8:15 A.M.  | Default Procedures                     |   |   |                                       |   |   |                                    |                              |  |
| 9:00 A.M.  | Arraignments                           | Arraignments  | <i>Protect. from Abuse/Harrass.</i>                             | Civil Trials or Civil Pretrials       | Administrative Court                                    | <i>Domestic Trials</i><br>CTL (5) or (2+3)        |                                    |                              |  |
| 10:30 A.M. | Traffic Trials                         | Traffic Trials                                      |   |                                       |   |   |                                    |                              |  |
| 1:30 P.M.  | Fine Payment Matters                   | Special Assignments                                 | <i>Protect. from Abuse/Harrass.</i>                             |                                       |   |   |                                    |                              |  |

LEGEND

TL = Fast Tract Trial List / CLT = Complex Trial List / PCTL = Protective (ly Trial List / Italic = Family Court Pilot Project

5/15/91