

**The Alphabet Soup of Family ADR (Alternative Dispute Resolution)  
Brief Summary of Processes  
MN CLE ADR Series Webinar  
April 22, 2014**

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**Arbitration:** Used for division of property or finances, generally binding.

**Brief Focused Assessment (BFA):** are an alternative to comprehensive custody and parenting time evaluations. A BFA provides evaluation on discrete issues and limited questions. The provider does not offer a custody recommendation. BFA's generated from ADR processes, and are not ADR.

**Collaborative Law:** Attorneys assist clients to resolve matters without litigation. Collaborative and Cooperative lawyers use ADR processes - mediators, neutral child specialists, neutral parent coaches and neutral financial specialists are used as part of this process.

**Cooperative Law:** Attorneys assist client to resolve matters without litigation, although they will litigate if necessary. Cooperative lawyers use ADR processes.

**Consensual Special Magistrate:** The special magistrate may preside over any pretrial and trial matters as determined by the presiding judge.

**Financial Early Neutral Evaluation (FENE):** An early neutral evaluation process (consisting of an evaluation and facilitated negotiation) for financial issues in family court.

**Initial Case Management Conference (ICMC):** Discussion with parties, attorneys and judge very soon after filing to discuss settlement options and ADR.

**Mediation:** Assisted negotiation or communication. There are many approaches to mediation – facilitative, transformative, evaluative or directive, child inclusive, child focused, narrative ...

**Community Mediation:** Community mediation programs are governed by Minnesota Statutes 494.01 et seq. Community mediators mediate post-dissolution property distribution matters and post-dissolution/never married parenting time disputes.

**Settlement Mediation by Judge:** Rule 2.9 (A) (4) of the Code of Judicial Conduct allows a Judge/Referee, with the consent of the parties, to confer separately with the parties and their lawyers in an effort to settle matters pending before the judge.

**Mediation- Appellate Court- Family:** Referral to mediation takes place after the statement of the case has been filed and the filing fee has been paid, but occurs before the briefing stage and before litigants incur the substantial costs of ordering transcripts from the district court where the case originated.

**Moderated Settlement Conference:** A Moderated Settlement Conference is dispute resolution process is often combined with a pre-trial/pre-hearing conference. It involves the use of a neutral to conduct a moderated settlement conference before or during a pre-trial/pre-hearing conference. This conference may involve evaluative opinions from

the neutral, who may, with the parties' consent, consult with the assigned judicial officer to further settlement efforts.

**Social Early Neutral Evaluation:** Social Early Neutral Evaluation (ENE) is a short-term, confidential evaluative process designed to facilitate prompt dispute resolution in Family Court custody and parenting time.

**Special Master:** Minn. R. Civ. P. 53.01(a) allows the Court to appoint a master to "address pretrial and post-trial matters that cannot be addressed effectively and timely by an available district judge," or to "hold trial proceedings and make or recommend findings of fact on issues to be decided by the court without a jury if appointment is warranted by (A) some exceptional condition, or (B) the need to perform an accounting or resolve a difficult computation of damages."

**Parenting Consultants (PC)** The parties agree on a neutral PC to assist them with agreed upon parenting disputes.

**Parenting Time Expeditor (PTE):** Parenting Time Expeditors are defined by Minn. Stat. 518.1751. Upon request of either party, the parties' stipulation, or upon the court's own motion, the court may appoint a PTE to resolve disputes under an existing order or while a matter is pending.