

STANDARDIZED MESP PROCEDURES BURLINGTON COUNTY SUPERIOR COURT

Fifth Draft 5-9-06

1. UNIFORM SUBMISSIONS

The parties shall submit memos detailing their positions on all issues in dispute and further detailing any resolved matters. The panel is charged with offering non-binding recommendations as to all financial issues. The panel has no jurisdiction to address custody or parenting time issues, however, a brief description of any position or resolution of said issues should be provided as it may impact other matters (i.e., number of overnights, shared residential custody impacts child support, exchange of alimony impacts support calculations etc.)

The panelists are charged with reviewing the following issues: child support (if income is sporadic or irregular, the parties should submit W-2 statements for the prior three to five years) medical insurance, life insurance, tax issues, attorney fees and costs, alimony (if at issue, parties need to address statutory factors and if available, provide annualized social security statements for both litigants) and equitable distribution, assets and debts.

In addition to submitting a memorandum detailing the above referenced matters, the parties must submit an updated case information statement with all appropriate attachments.

2. DEADLINE FOR SUBMISSIONS

The memorandum shall be provided to the panelists, opposing counsel/party and Marla Conrey-Gerrow, the MESP Coordinator, for the Burlington Vicinage, five days prior to the scheduled panel date. The memorandum shall be served by first class mail or hand delivery. Service of memos to panelists via fax or e-mail is appropriate only if approved by the panelist in advance. The Court will not accept faxed submissions for the panelists.

If unusual circumstances arise and counsel finds it necessary to request permission for a late submission, then consent of the adversary and permission from Marla Conrey-Gerrow may be obtained.

3. SCHEDULING

Upon preparing the draft Case Management Order, counsel or the parties shall agree upon a date and time for MESP. If the parties cannot reach an agreement as to scheduling, they shall immediately contact the MESP Coordinator for intervention and determination.

In the event the parties do not tender a Consent Case Management Order, but rather, appear

for a conference, the MESP shall be scheduled at that time.

4. RESCHEDULING

Any request for rescheduling a MESP shall be made only after best efforts are made to receive the consent of opposing counsel or the other party. Notice shall be provided to the MESP Coordinator. Authority for rescheduling can be provided through the MESP Coordinator or the appropriate trial Judge, upon good cause shown.

5. ATTENDANCE

Attendance by the parties at the MESP is **MANDATORY**. If due to vocational obligations, health conditions, geographic restrictions or other circumstances, a party wishes to be excused from attendance, counsel or the party shall apply directly to the trial Court, upon notice to their adversary, in writing, seeking virtual attendance or appearance by phone.

6. INTRODUCTORY SPEECH

On each MESP day, one of the family court judges will meet with all litigants in the courtroom for purposes of providing an introductory speech, detailing the history of the MESP program and the purpose of the same. The court will encourage the parties to use their best efforts to resolve their differences and utilize the time spent at the courthouse to address settlement.

7. DOMESTIC VIOLENCE PROTOCOL ON MESP DATE

If a temporary restraining order or final restraining order is in effect, this shall be stated on the cover letter sent with the memo. Litigants subject to restraining orders shall wait in separate areas. During the course of the introductory speech, the trial Judge will remind the parties that the restraining orders remain in full force and effect. In the event one or both of the parties are appearing pro se, and a restraining order is in effect, the parties shall be permitted to participate in the MESP if accompanied by a member of the Sheriff's department.

8. POST MESP PROTOCOL

In the event the case is settled, counsel and the parties can place the agreement upon the record. If counsel or the parties wish to memorialize any agreement in writing prior to conducting the hearing, they shall receive a date for an uncontested hearing from the appropriate trial judge, to occur within 14 days from the date of the MESP, prior to leaving the courthouse.

In the event the case is not settled, counsel and/or the parties shall not leave the Courthouse until they meet with the trial Judge, who will confer with counsel/the parties to determine areas of agreement and issues remaining in dispute. If settlement is impossible, the Judge shall establish a trial date, or review the trial date in the Case Management Order which shall be provided to the parties

in writing prior to leaving the Courthouse.

9. ECONOMIC CONSEQUENCES OF NON-COMPLIANCE

If counsel or a party fails to submit a MESP memorandum, is otherwise unprepared, or fails to attend the MESP panel without appropriate excuse by the trial Judge, counsel and/or the parties shall report directly to the trial judge, who may consider an award of attorney's fees or lost wages to the offended party, or a monetary sanction to be paid by counsel.

10. LOCATION OF PANELS

The MESP shall be conducted at the Burlington County Court House. Presently, the conference room on the fifth floor is available, as are the various attorney/client conference rooms located adjacent to each courtroom. Panels may also be conducted at such other places in the Courthouse as designated by the Court.

11. FREQUENCY OF PANEL MEETINGS

Effective January 2007, panelists will serve no more than six times a year.

12. COMPOSITION OF PANELISTS

To serve as an MESP panelist, counsel must have practiced in the area of family law for at least five full calendar years. If an attorney wishes to serve on the panel, he/she shall submit the request to the Presiding Judge of the family part, who shall periodically establish an Ad Hoc Committee, which shall include the Presiding Judge of the Family Part, the MESP Coordinator and at least one member of the Burlington County Bar Association, to review the application.

Additionally, said Ad Hoc Committee may periodically review the composition of existing panels and reconfigure them accordingly.

In the event a panelist is unable to serve on a scheduled date, they shall inform the MESP Coordinator, who will appoint a substitute from the Court approved list of MESP panelists. Panelists may not send a substitute who is not an approved member of the panel.

13. BLUE RIBBON PANELS

In the event a particular case presents issues of unusual complexity or specialization, the Court may order or counsel may request a blue ribbon panel. Said determination shall be made at the time of the Case Management Order with the assistance of the trial judge and MESP Coordinator. Additionally, the Court has the option of ordering payment to Blue Ribbon panelists.

14. POST MESP ECONOMIC MEDIATION

All cases that do not settle on the date of MESP shall be referred to post-MESP economic mediation. Prior to leaving the courthouse on the date of the MESP, if the matter has not settled, the Court will execute an Order appointing an economic mediator from the AOC approved list or an individual as agreed upon between the parties. Pursuant to the revised rules for economic mediation, the first two hours of mediator time are provided at no cost. Any additional time shall be billed at a rate as stated on the Court approved roster of economic mediators. Counsel/the parties shall be responsible to provide the mediator with documents as requested by the Mediator within seven days from the date of the Order appointing the Mediator. The first Mediation session shall occur within fourteen (14) days of the date of the MESP. Any trial date shall not occur prior to 45 days after the entry of the Order appointing the Mediator.