

LOC.R. 78.9 CIVIL CASE MANAGEMENT PROCEDURES

The purpose of this rule is to ensure the efficient and comprehensive management of probate and civil cases.

I. CASE MANAGEMENT CONFERENCE

A. Timing

Within ninety days of the filing of responsive pleadings, the case shall be set by the Court for a case management conference. Except as otherwise ordered by the Court, the parties' attendance is not required.

B. Notice

Notice of the case management conference shall be mailed to all counsel of record at least fourteen days prior to the conference.

C. Procedure

1. The case management conference shall be conducted in person, or by telephone with prior Court approval. All counsel attending shall have full authority to enter into a binding case management order. Failure of counsel to appear will result in counsel's forfeiting the right to have any input into the scheduling order.

2. Counsel shall consult with their client(s) and opposing counsel in advance of the case management conference and be prepared to confer practically and earnestly on all matters as may aid in the disposition of the action. The following matters will be considered at the case management conference:

- a. The possibility of settlement of the action or referral to ADR;
- b. The necessity of amendments to the pleadings;
- c. Itemization of expenses and special damages;

d. Deadlines for the exchange of expert reports, completion of discovery and filing of motions;

e. Dates for further pretrial conference and trial.

Failure of counsel to be fully prepared for the case management conference may result in sanctions.

II. FINAL PRE-TRIAL

A. Purpose

The purpose of the Final Pre-Trial is to effect an amicable settlement, if possible, and to narrow factual and legal issues by stipulation or motions.

B. Final Pre-trial Statement

All counsel shall cooperate with Plaintiff's counsel who shall file a **joint** statement at least one day before the final pre-trial, setting forth the following:

1. Statement of agreed facts and issues, with disputed facts and issues of law noted;
2. Jury instructions including a list of non-OJI contemplated by any party;
3. Plaintiff's demand and Defendant's offer;
4. List of expert and non-expert witnesses;
5. Legal or evidentiary problems anticipated;
6. Estimated length of trial;
7. Each party's anticipated pre-trial motions;
8. Equipment needs for trial.

Failure of any party to cooperate in the joint statement may result in sanctions.

C. Attendance

All parties and chosen representatives must be present, or in exceptional circumstances with prior Court approval, be available by telephone, with full settlement authority. If the real party in interest is an insurance company, corporation, or other artificial entity, then the chosen representative must have full authority to negotiate the claim to the full extent of Plaintiff's demand.