

Rule 305. Pretrial Conferences**Rule 305.01 Parenting/Financial Disclosure Statement**

Each party shall complete a Parenting/Financial Disclosure statement in the form developed by the state court administrator which shall be served upon all parties and filed with the court at least 7 days prior to the date of the pretrial conference.

(Amended effective January 1, 2008; amended effective May 1, 2012.)

Task Force Comment - 1991 Adoption

This rule is derived from existing Rule 4.02 of the Rules of Family Court Procedure. The existing family court rule includes a requirement that information be filed on forms, and that typewritten or word-processed documents would not be accepted for filing. The Task Force considered the desirability of requiring information to be submitted on preprinted forms, and determined that such requirements should not be retained. Many modern law offices cannot readily prepare such documents as word processing machines have displaced the typewriters for which the forms are designed. The Task Force also believes that these requirements only increase the cost of litigation and limit access to the courts.

Rule 305.02 Pretrial Conference Attendance

(a) Parties and Counsel. Unless excused by the court for good cause, the parties and lawyers who will try the proceedings shall attend the pretrial conference, prepared to negotiate a final settlement. The lawyers attending the pretrial conference must have authority to settle the case. If a stipulation is reduced to writing prior to the pretrial conference, the case may be heard administratively or as a default at the time scheduled for the conference. In the event the matter will proceed as a default, then only the party obtaining the decree need appear.

(b) Failure to Appear-Sanctions. If a party fails to appear at a pretrial conference, the court may dispose of the proceedings without further notice to that party.

(c) Failure to Comply-Sanctions. Failure to comply with the rules relating to pretrial conferences may result in the case being stricken from the contested calendar, granting of partial relief to the appearing party, striking of the nonappearing party's pleadings and the hearing of the matter as a default, award of attorney fees and costs, and such other relief as the court finds appropriate, without further notice to the defaulting party.

(Amended effective May 1, 2012.)

Family Court Rules Advisory Committee Commentary*

In disposing of a proceeding, the Court may dismiss it entirely, grant relief to the party appearing, grant attorney fees, bifurcate the proceedings and grant partial relief, or grant any other relief which the court may deem appropriate. See Rule 306.2(c).

**Original Advisory Committee Comment-Not kept current.*

Task Force Comment - 1991 Adoption

Subsection (a) of this rule is derived from existing Rule 4.03 of the Rules of Family Court Procedure.

Subsection (b) of this rule is derived from existing Rule 4.04 of the Rules of Family Court Procedure.

Subsection (c) of this rule is derived from existing Rule 4.05 of the Rules of Family Court Procedure.

A prehearing conference without both parties and lawyers familiar with the facts of the case and the parties is rarely a worthwhile exercise and usually is a waste of resources of the parties and the court. Nonetheless, the Task Force believes there may be situations, on rare occasion, where a party or lawyer should be excused from attendance or should be allowed to participate by conference phone call.

Rule 305.03 Order for Trial or Continued Pretrial Conference

If the parties are unable to resolve the case, in whole or in part, at the pretrial conference, the court shall issue an order that schedules any remaining discovery and any contemplated motions, identifies the contested issues for trial, and provides for the exchange of witness lists and exhibits to be offered at trial. The order shall identify and describe the resolution of uncontested issues that have been placed on the record.

Cross Reference: Minn. Civ. Trialbook, section 5.

(Amended effective May 1, 2012.)

Task Force Comment - 1991 Adoption

This rule is new. The Task Force believes it is useful to have an order entered to limit the issues and preserve any agreements reached at a pretrial conference. This rule is adapted from a recommendation of the Minnesota State Bar Association's Family Law Section.