
FAMILY LAW RIPPLES

"A pebble drops, transforming the lake"



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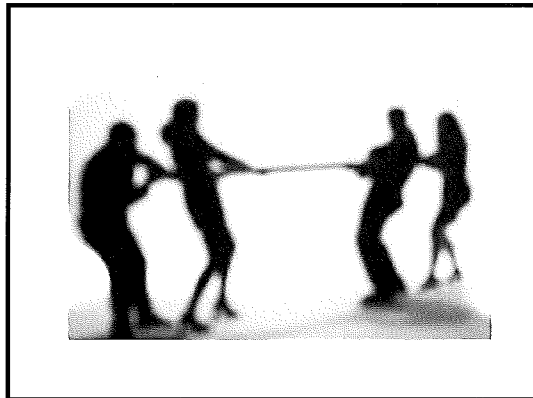
About Family Law Ripples

"Ripples" is a bi-monthly publication focused on legal matters affecting families. It promotes responding to family change with an eye to cooperation, connection and positive values.

Process Options for Impasse

Famous last words – "I'll see you at the courthouse." Currently in Minnesota out-of-court settlements are favored in family law cases over litigation. Are there ever situations when you decide the issue is the use of an out-of-court process? Does that mean the parties are unable to process? No.

In some situations, after careful analysis of all relevant factors, the parties might decide for a third party to resolve his/her family law issues. Those circumstances include the following:



after careful analysis of parties might decide for a third party to law issues. Those the following:

- The parties have reached impasse on all issues, most issues, or the most important issues.
- Disputed facts or law are key to reasonable or appropriate resolutions.
- There is a significant disparity in bargaining power between the parties.
- There are no good options for resolution, and there is a preference for an outside party to be the "bearer of bad news."
- There is a likelihood that because of the qualifications or other characteristics of the third party decision-maker, the parties would accept and implement the decision.
- The third party decision would result in resolution by a desired time, in a preferred setting or offers control of other aspects of the case by virtue of party choice or operation of administrative and procedural rules would not otherwise govern the case.

Parties and their attorneys have the following options for third party decision-makers. A detailed evaluation of fit of process option to the case should be made before a given process is selected. The general characteristics of each option are also set out in the chart below.

Process	Who selects decision-maker	Issues that can be addressed	Right of appeal	Degree of Formality	Court Reporter	Decision filed with Court	Who pays decision-maker
Court	Court Administrator	All	Yes	Highest	Yes	Yes	Public
Consensual Special Magistrate	Parties	Per parties	Yes	High	Yes	Yes	Parties
Binding Arbitration	Parties	Per parties	Limited	Medium	No	Per parties	Parties
Parenting Time Expedition	Parties	Parenting time schedule	Yes	Low	No	No	Parties
Parenting Consultant	Parties	Parenting but not change of change, substantial change of parenting time	Yes	Low	No	No	Parties
Nonbinding Arbitration	Parties	Per parties	No	Medium to Low	No	No	Parties
Med/Arb	Parties	Per parties	See binding and nonbinding arbitration	Medium to Low	No	See binding and nonbinding arbitration	Parties

Quotes of the Month: In his last book *Oh, the Places You'll Go*, Dr. Seuss describes those moments in life when the path ahead is uncertain: "Do you dare to stay out? Do you dare to stay in? How much can you lose? How much can you win?" He encourages his reader to move forward: "Step with care and great tact and remember that Life's a Great Balancing Act."

In the Media: New and hot off the press -- best practice form orders for appointing a Parenting Consultant along with FAQ sheets and other important information for attorneys and clients can be accessed at <http://law.hamline.edu/Content.aspx?id=2147512925>. This information reflects a joint effort of the Minnesota Chapter of the Association of Family and Conciliation Courts and the Hamline Dispute Resolution Center.

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