

SEVENTH JUDICIAL DISTRICT OF IOWA
INFORMAL FAMILY LAW TRIAL
PILOT PROJECT

Hon. Marlita A. Greve, Chief District Court Judge

How did we get here?

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- In October 2014, the Iowa State Bar Association requested that a task force be created to review family law case processing.
- In January 2015, the Iowa Supreme Court officially established the Iowa Family Law Case Processing Reform Task Force.

How did we get here?

- Among the objectives of the Task Force was to examine innovative procedures and programs used in other jurisdictions.
- In May 2016, the Task Force presented its report to the Iowa Supreme Court.
- The report included a recommendation to provide an optional, informal track for processing family law cases based on the model used in Deschutes County, Oregon.

How did we get here?

- In October 2016, the Iowa Supreme Court issued a general order instituting an Informal Family Law Trial pilot project in the Seventh Judicial District.
- A local committee of judicial officers, court personnel and attorneys was immediately formed to establish policies and procedures for the pilot project.

How did we get here?

□ Local Implementation Committee

- Hon. Nancy Tabor (co-chair)
- Hon. Henry Latham (co-chair)
- Hon. Joel Barrows
- Hon. Marlita Greve
- Hon. Mary Howes
- Hon. Paul Macek
- Kathy Gaylord
- Brian K. McKenrick
- Jennifer Criswell
- Susan Lancaster
- Heidi McDonough
- Gaby Raya
- Melissa Gross
- Gary McKenrick
- Barb Wallace

How did we get here?

- A supervisory order setting forth the framework of the pilot project was drafted and proposed by the committee and subsequently adopted by the Iowa Supreme Court in February 2017.
- The pilot project was formally launched by the Seventh Judicial District on March 1, 2017.

How does the pilot project work?

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- The purpose of the pilot project is:
 - To expedite resolution of cases involving less complicated factual circumstances;
 - To allow additional judicial time dedicated to cases involving more complicated factual circumstances; and
 - To provide greater court transparency, better uniformity, and clearer expectations for the parties.

How does the pilot project work?

- The pilot project applies to a variety of family law case types including:
 - ▣ Dissolution of Marriage (Divorce)
 - ▣ Legal Separation
 - ▣ Paternity (Unmarried Parent)
 - ▣ Modifications of Child Custody, Visitation, and Child Support

How does the pilot project work?

- The pilot project covers the entire Seventh Judicial District including Cedar, Clinton, Jackson, Muscatine and Scott Counties.
- Periodic reports will be provided to the Iowa Supreme Court so that the project can be evaluated and adjusted as needed.

How does the pilot project work?

- Two different types of trials are available in family law cases:
 - ▣ Traditional Trial
 - ▣ Informal Family Law Trial (IFLT)
- Both parties must agree to an informal trial. If one or both parties does not want an informal trial, a traditional trial will be scheduled.

What is an Informal Trial?

What is an Informal Trial?

- In an informal trial, the trial judge asks questions of the parties and witnesses. The judge may consult with parties or their counsel concerning areas of inquiry.
- The only other party allowed to ask questions of witnesses is counsel for the Child Support Recovery Unit.

What is an Informal Trial?

- Rules of Evidence do not apply.
- Parties can offer any testimony or material without objection by the opposing party.
- The judge decides what weight, if any, to give such evidence.

What is an Informal Trial?

- Evidence is limited to:
 - Testimony of the parties and up to two witnesses per party
 - Submission of up to five affidavits per party from persons who would otherwise be called as witnesses
- A party may present up to two expert witness reports instead of live testimony, but those reports count as one of the five affidavits allowed.

What is an Informal Trial?

- The judge begins by asking the Petitioner questions, followed by the Respondent.
- If the Child Support Recovery Unit is involved, the judge may allow counsel for CSRU to first ask questions related to the determination of child support.
- The judge will then question the Petitioner's witnesses, followed by the Respondent's witnesses.

What is an Informal Trial?

- Throughout the process, the judge may ask the parties and counsel present whether there are any other areas of inquiry that should be explored.
- Attorneys will be allowed to make legal arguments at the conclusion of the trial.

Why have Informal Trials?

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- Anecdotal evidence suggests that the number of self-represented parties is increasing in Iowa. Other jurisdictions have also identified this trend.
- The Judicial Branch has a responsibility to respond and adapt to the increasing number of self-represented parties and to the increasing workload of judicial officers.

Why have Informal Trials?

- Informal Trials reduce the adversarial nature of court proceedings, which helps both sides focus on the children or other issues.
- Fewer rules apply. Informal Trial procedures are more easily understood by self-represented parties.
- Clearly defined processes and procedures for self-represented parties reduce delays in case processing.

Why have Informal Trials?

- Informal Trials of less complex cases can be scheduled in shorter time intervals.
- By decreasing the amount of court time dedicated to these less complex cases, the court can increase the amount of court time available for more complex matters.

How do I select an Informal Trial?

How do I select an Informal Trial?

- Informal Family Law Trial brochures and forms are available in your local Clerk of Court's office and online at:

www.iowacourts.gov/About_the_Courts/District_Courts/District_Seven/Informal_Family_Law_Trials/

How do I select an Informal Trial?

- When Court Administration issues a Notice of Trial Scheduling Conference on a family law case, parties will also receive a digital brochure regarding the pilot project.
- Both parties must agree to proceed as an informal trial by filing a Waiver and Selection Form.

How do I select an Informal Trial?

- At least one party must file a Waiver and Selection Form prior to the Trial Scheduling Conference.
- If the other party has not already done so, he or she must file a Waiver and Selection Form prior to or at the Settlement Conference.

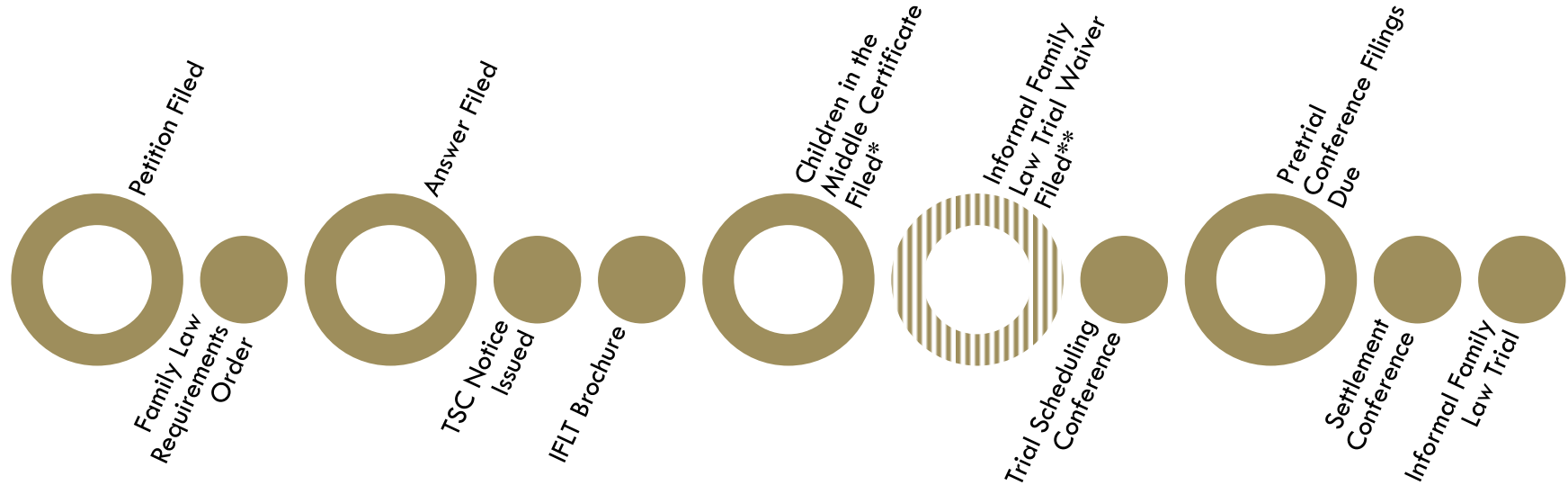
How do I select an Informal Trial?

- Informal Trials will be scheduled in one hour, one half day, and one day increments depending on the number and type of contested issues.
- In cases involving children, the requirement of the parties to participate in the Children in the Middle course under Iowa Code section 598.15 remains applicable.

How do I select an Informal Trial?

- Settlement conferences are still required.
- At the settlement conference, the parties must complete a pretrial memorandum, which identifies areas of agreement between the parties and each party's proposal for areas of disagreement.
- The trial judge will rely on this document when preparing for the trial and to make sure areas of disagreement are explored in questioning during trial.

How do I select an Informal Trial?



*At least one party must complete Children in the Middle prior to TSC.

**At least one party must file a waiver prior to TSC to opt into Informal Family Law Trial Pilot.

How do I select an Informal Trial?

- Either party, or the court, may remove the case from the Informal Family Law Trial process at any time up to and including the settlement/pretrial conference.
- After the settlement/pretrial conference, only the court may remove the case for good cause or upon a party's motion and after hearing.

How are attorneys impacted?

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- The increase in self-representation has already happened.
- While the Informal Family Law Trial procedure is designed primarily for self-represented parties, the process is equally available as an option in limited, simple and straightforward cases in which lawyers are involved.

How are attorneys impacted?

- Informal Trials should require less time for trial preparation, which should lead to reduced costs for court litigants.
- Litigants who are currently self-represented due to financial limitations may be able to afford limited representation in connection with an Informal Family Law Trial.

How are attorneys impacted?

- “A lawyer may limit the scope of the representation if the limitation is reasonable under the circumstances and the client gives informed consent.”
- “[T]here shall be a presumption that...the attorney does not represent the client generally or in any matters other than those identified in the writing.”
 - Iowa R. of Prof’l Conduct 32:1.2(c)

How are attorneys impacted?

- A Limited Scope Representation Agreement could limit the attorney-client relationship to specific services including:
 - Appearing in court for limited purpose of providing standby advice and assistance during pretrial hearings
 - Appearing in court for the limited purpose of providing standby advice and assistance during the informal trial proceeding
 - Reviewing pleadings and other documents prepared by Client
 - Providing procedural advice, guidance and information regarding filing and serving documents
 - Suggesting documents to be prepared
 - Preparing pleadings, motions and other documents

Contact for More Information

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