

RULE 110B. PREHEARING PROCEDURE FOR CASES INVOLVING NO MINOR CHILDREN

The procedures in this rule apply to all actions under this chapter in which there are no minor children.

(a) *Initial Case Management Conference.* Whenever a complaint, petition, or post-judgment motion is filed in a proceeding that does not involve minor children, the parties, and their counsel if represented, shall be required to attend an initial case management conference with a judge, unless otherwise ordered by the court.

(1) *Notice of Initial Case Management Conference.* The court shall schedule an initial case management conference on the first available date no sooner than 60 days from the receipt of proof of service.

(2) *Issues to be Addressed.* At the initial conference the parties shall be prepared to address any issues in the case that may be raised by the court or the parties, including, but not limited to:

- (A) Any issues in dispute;
- (B) The need for an interim order;
- (C) Scheduling of mediation;
- (D) Scheduling of a prehearing conference;
- (E) Scheduling of an uncontested hearing date; and
- (F) Any other issues pertinent to the case.

(3) *Motions to Proceed to Contested Interim Hearing Before Initial Case Management Conference.* In exceptional circumstances, a court may grant a party's motion to dispense with the initial case management conference and set the matter promptly for interim hearing. The motion shall include the contested issue for the interim hearing, the estimated number of witnesses, the estimated length of time needed for the interim hearing, and a

proposed order. In no case shall the interim hearing be longer than three hours.

(4) *Certificate for Uncontested Final Hearing.* When the parties have reached a complete agreement on all issues and wish to proceed directly to an uncontested final hearing, they may file a certificate for an uncontested final hearing along with a proposed agreed-to final order or a description of the parties' full agreement.

(5) *Time for Hearing.* In actions for divorce or annulment, the court has the authority to hold an uncontested hearing 60 days or more after service of the summons and complaint, with or without a motion under subsection (4).

(6) *Continuance of Scheduled Initial Case Management Conference.* Requests to continue a previously scheduled case management conference shall be in writing and may be granted for good cause shown pursuant to M.R. Civ. P. 40.

(b) *Effect of a Case Management Order.* A judge's case management order is effective when signed and remains effective until amended or until a final order is entered.

(c) *Case Management After Initial Case Management Conference.* After the initial case management conference is held or waived, the judge responsible for the case shall determine how to manage, schedule, and complete the case.

Advisory Note – February 2023

Rule 110B is amended to implement a case management process for cases that do not involve minor children.

Advisory Note – July 2016

The change to Rule 110B(a) corrects a grammatical error.

Advisory Notes

June 2008

Because there is no case management system for cases that do not involve minor children, some system-wide procedure should be implemented. Scheduling Orders shall be issued in cases that are not subject to the Case Management System. These orders have been employed in some of the courts across the state and have been effective at managing the flow of cases when there is no Family Law Magistrate oversight. These cases may involve highly charged, emotional issues. There may be cases in which both parties agree that the court-ordered schedule does not meet their needs. The court should honor a request made jointly by the parties to amend the Scheduling Order. Scheduling Orders need not be issued when there is no answer, response or entry of appearance. The rule also provides that these cases should be set for uncontested hearing so that they do not lay dormant.

Rule 110B is the former Rule 80(h). It has been the practice of the court to hold prehearing conferences to discuss discovery and trial issues and to hold judicial settlement conferences. All conferences before a final hearing are prehearing conferences and the authority to hold them is derived from this rule. The rule permits attendance by telephone, if permission is acquired before the conference, mediation or hearing.

Because there is a variety of post-judgment motions, a standard Scheduling Order would be impossible to draft. The court must exercise its discretion to determine the appropriate pretrial procedure in any particular case after review of the filings.