

Rule 2. Mediation in Conciliation Court**2.1 Scope of Rule**

This rule applies to all conciliation court cases in the fourth judicial district.

(Added effective January 1, 2000.)

2.2 Notice and Explanation

The court may require the parties to participate in court sponsored mediation prior to their initial hearing in conciliation court. The court administrator shall notify parties that their case has been assigned to the mediation calendar and provide them with an explanation of the procedures. The notice and explanation may be in the form of a flyer or other attachment to be mailed or served with the summons and complaint.

(Added effective January 1, 2000.)

2.3 Attendance; Confidentiality

Attendance at, and confidentiality of, mediation sessions is governed by Minn. Gen. R. Prac. 114.07 and 114.08 for the District Court.

(Added effective January 1, 2000.)

2.4 Mediator Assignment, Qualifications and Communications

Mediators shall be assigned by the court. Communications between parties and the mediator is governed by Rule 114.10 of those rules.

(Added effective January 1, 2000.)

2.5 Funding

The parties shall not be required to pay for mediation services under this rule.

(Added effective January 1, 2000.)

2.6 Failure to Reach Settlement

If the parties are unable to agree to a settlement of their dispute during the mediation session, the conciliation court shall promptly hear the case on the same day as the mediation session.

(Added effective January 1, 2000.)

2.7 Settlement Agreement

If a settlement agreement is reached, all parties, the mediator, and the referee or judge will sign a mediated settlement agreement that includes the following terms:

- (a) either party may rescind the agreement within seventy-two hours after signing it;
- (b) parties must keep the court advised of their current address;
- (c) if the terms of the settlement agreement are not met by the deadline agreed to, a party may request entry of judgment by filing an affidavit of non-compliance with the court;
- (d) after a hearing to determine compliance issues, a judge may order that final judgment be entered in conciliation court effective immediately, and the judgment may be immediately transcribed to district court; and

(e) the parties agree to waive the thirty-day period for enforcement of a judgment set forth in Minn. Gen. R. Prac. 518(b) for the District Courts.

(Added effective January 1, 2000.)

2.8 Non-Compliance Hearing; Judgment

Upon the filing of an affidavit of non-compliance with the court, the court administrator shall schedule a non-compliance hearing and advise the parties by mail of the date, time, and location of the hearing. If after the hearing the judge determines that a party failed to comply with the terms of the settlement agreement, the judge shall order that final judgment be entered in conciliation court effective immediately. Upon entry, the judgment may be immediately transcribed to, and enforced in, district court.

(Added effective January 1, 2000.)

Advisory Committee Comment - 1999 Adoption

The mandatory mediation program authorized under rule 2 began as a pilot project in 1996. See Order, In re Fourth Judicial District Pilot Program for Mandatory Mediation in Conciliation Court, No. CX-89-1863 (Minn. Sup. Ct., Oct. 29, 1996). The pilot project was successful in resolving conciliation court cases in a manner that minimized delay and financial burdens for litigants. REPORT TO THE MINNESOTA SUPREME COURT AND MINNESOTA CONFERENCE OF CHIEF JUDGES ON HENNEPIN COUNTY DISTRICT COURT MANDATORY MEDIATION PROJECT, pp. 7-11 (June 30, 1997). As a result, the program was permanently established in 1999, with directions that the program should be codified in a published court rule. See Order, In re Fourth Judicial District Pilot Program for Mandatory Mediation in Conciliation Court, No. CX-89-1863 (Minn. Sup. Ct., Mar. 23, 1999).

The references in Rules 2.3 and 2.4 to selected portions of Minn. Gen. R. Prac. 114 for the District Court recognize that Rule 114 is generally not applicable to conciliation court cases. Only specific provisions of Rule 114 are made applicable to conciliation court mediation under this Rule 2.

The committee considered recommending this rule for statewide adoption, but does not believe that step would be warranted because this program is not being considered for use in other districts and because the advisory committee has not fully analyzed its operation in Hennepin County or its potential operation in other districts.