

28 DMT CASE MANAGEMENT TIPS: WHAT HAS WORKED FOR ME OVER LAST TEN YEARS

1. Prepare ahead of every hearing, every time, every day.
2. Draft orders ahead of hearing and direct conversation to what is needed.
3. 99% of case management is done in chambers.
4. Lawyers find it easier to dump info on you than settle cases, when it becomes less easy, they will settle.
5. Yes, they are trainable.
6. Determine length of hearings and whether hearings are needed every time a hearing request is made.
7. Don't just deny emergency motions, usually, or the problem will fester. Deny with hearing and attempt to solve the problem.
8. Every request for hearing is opportunity to case manage, research file, enter orders that will move it forward, provide direction. Deny ancient motions for failure to prosecute, enter orders related to updated discovery, order mediation. Set for CMC.
9. Every withdrawal is opportunity – things are likely not moving, give direction and deadlines and homework and set CMC.
10. Don't set discovery issues for hearing, 95% of time the file provides all you need to know, or require other side to file response, or require each to file lists of what is needed and has been provided. Warn pro se litigants in orders of the risk of failing to comply.
11. Paternity cases need five numbers, enter order limiting discovery (At CMC or upon Motion to Compel) – require Motions filed for additional docs, with good cause shown.
12. If you cannot tell what the full issue is on both sides in the pleadings themselves, hearing will be as bad – enter preliminary orders requiring verified responses, exchange of evidence, mediation, production of items that will assist you, joint memorandums setting out the issues, etc. You

should know exactly what the dispute is before you start, and control, the hearing. 90% of all of my hearings are set for 15min.

13. AGAIN, Do not let lawyers make their jobs your job. They are overworked and underbill and believe that a trial is easier than figuring it all out. If required to actually be ready for trial *before* giving them the date, they will settle most or all of the issues. It has literally been years since I have provided a trial of more than 1.5 days for trial. Most are .5 day. Yes, this often means multiple CMCs/PTC, not zero work but far less confusing.

14. Do not allow wealthy litigants to take over your docket with the same problems everyone else has. Orders ahead of hearing and short temporary hearings, and no temporary hearings over 30-60 minutes.

15. Don't allow multiple hearings to be sent on multiple pleadings, no wack-a-mole, when they request hearing indicate must include everything, or enter order indicating motions will be waived if not heard by a date.

16. Do use a Pretrial Order that requires joint memorandum and joint Equitable Distribution Spreadsheet. Also require Joint Redline Parenting Plan.

17. DO NOT set a trial without a significant number of stipulations of fact (can also establish those at CMC) – this should include, at a minimum:

- * All W-2 and 1099 incomes and insurance breakdowns for all relevant periods

- * ANYTHING that is a knowable number that they want you to pick out of a financial document.

- * Any knowable number for calculation of marital equity under 61.075 or alimony parameters under 61.08

18. I tell them I am not a CPA and I don't read tax returns or decipher convoluted paystubs. The lawyers and the parties need to figure out knowable numbers and provide stipulations.

19. Don't set trial if either side cannot articulate at CMC or Pretrial what their position and evidence will be at trial. If they cannot tell you what they are relying on factually or legally, it means they have not figured it out and

think they can vomit whatever they come up with at trial and make you make sense of the non-sensical.

20. Instead of opening statements, ask questions to clarify stipulations and disputes and ask for context for evidence that will be offered related to those issues. I put this in my policies and procedures.

21. Make the parties come to everything. They need to hear you say things and they are the key to getting agreements and stipulations prior to trial.

22. At the earliest opportunity go over the proposed redline parenting plan with the parties present. Get agreements and focus disputes, so you know what the issues will really be. Explain your philosophies and get agreements (for example, I don't make children have two Thanksgiving meals and I don't divide up their birthday day unless the parents get along beautifully etc.)

23. You do not have to allow evidence just because they stipulate the six boxes into the record. If they show up with six boxes, you have failed yourself.

24. You must allow closings if they ask for them, but if you don't need it let them know that it is optional, or use it as time to ask clarifying questions about where evidence is in the record, or to get information they have failed to provide you (like when is that child graduating high school or breakdown on insurance).

25. Get orders and FJs out quickly...they do not need to be perfect.

26. Read Motions for Reconsideration carefully, and enter corrected orders quickly or denials of those motion quickly.

27. Do have mechanism, you or case manager or JA, to look at reports of open cases and set LOP cattle call hearings to get rid of dead weight, or enter orders closing cases for failure to prosecute.

28. Manage high conflict pro se cases in person and often, it is a war of attrition.

29. Take vacations. Long ones. Regularly.

30. Be involved in legal community, when you like them, it is easier.

