



Short Circuits



Practice tips from the Circuit Court

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CLARIFYING FRIDAY CONTESTED DIVORCE DOCKET REQUIREMENTS

As of September 5, 2014, the court amended Procedure 1(d) of the Uncontested Divorce Manual to elaborate on when an otherwise uncontested divorce may be directed to the Friday Contested Docket. First, if the parties seek to rely upon any portion of a separation period that involves residing in the same house, the matter cannot proceed by affidavit or hearing request. Instead, a Friday Contested Divorce Docket Request must be submitted. Likewise, if the matter requires proof that goes beyond the uncontested questions in the Uncontested Divorce Manual, the Friday Contested Divorce Docket procedures will have to be followed.

Admittedly, “Friday Contested Divorce Docket” is a misnomer for these situations, but counsel are reminded that the manual for this docket states in ¶ 1.0 that the procedures also apply “to suits which the Court directs to be placed on this docket due to special circumstances.” However, it is a simpler designation to use than “Friday Contested/Selected Cases/Separate in Same House” docket. Also, because the court retains flexibility to deal with a variety of unique circumstances in requesting that matters be placed on

this docket, it is obviously not possible to spell out every type of case that might apply to. However, hopefully this clarification will assist counsel in calculating the course of their divorce case.

On another Friday Contested Divorce Docket note, requests for this docket are not approved until a judge reviews the matter and determines whether or not the contested issues can actually be heard in one hour. If the judge decides it will take more than an hour, the law clerk rejects the request with an indication of which judge made the determination. Needless to say, no one simply accepts this type of rejection, and everyone wants to present an argument as to why it really can be heard in an hour. In that situation, you need to submit your arguments directly to the judge who made the decision. Emailing and arguing with the law clerk that sent the return, and seeking to have him or her act as intermediary to present your arguments to the judge, is neither effective nor appropriate in this situation. So, please send your correspondence directly to the judge, and the court will advise you one way or another whether your request will be approved.