

STATE OF HAWAI'I
FAMILY COURT
FIRST CIRCUIT

**ORDER APPOINTING
VOLUNTEER SETTLEMENT MASTER**

CASE NUMBER: FC-D No.

v. PLAINTIFF

DEFENDANT.

COURT USE ONLY

This document is prepared by:

- Plaintiff Attorney for Plaintiff
 Defendant Attorney for Defendant

Hearing Date:

Presiding Judge:

The trial herein [] is set for the week of _____. [] has not been set.
A Settlement Conference [] is set for _____. [] has not been set.

Taking judicial notice of the records and file and based on the representations and record made, IT IS HEREBY ORDERED that:

1. The Family court appoints the following Volunteer Settlement Master ("VSM") in this case pursuant to Hawai'i Family Court Rule 53:

Name of VSM: _____

Address: _____

Telephone Number: _____ Fax Number: _____

E-Mail: _____

2. The VSM process shall be as follows:

- a. A meeting with the VSM shall occur by no later than _____, which is three (3) weeks before the Settlement Conference, if one has been set.
- b. Following service of this Order upon the VSM, the VSM will notify the involved attorneys and self-representing parties of the date, time, and location of the VSM meeting. The VSM shall have the authority to set the date, time, and location of the VSM meeting.
- c. One week before the meeting with the VSM, each involved attorney and self-representing party shall provide the VSM with:
- (1) a confidential settlement letter describing their client's/their true settlement position;
 - (2) current Asset and Debt Statement;

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- (3) current Income and Expense Statement;
- (4) current Child Support Guidelines Worksheet (if applicable); and
- (5) most recent settlement proposal.

Any involved attorney and self-representing party may also provide the VSM with property division charts, relevant exhibits, witness lists, and any other documents and information which may be useful to resolving this case.

3. VSM Fees, Duties, and "Report from VSM":
 - a. The VSM shall not be called as a witness.
 - b. The VSM shall serve without compensation.
 - c. The VSM shall have the authority to confer with the assigned Settlement Judge.
 - d. The VSM process shall be subject to Rule 408 of the Hawai'i Rules of Evidence. The VSM shall not confer with the assigned Trial Judge.
 - e. The VSM shall serve from the date he/she is served with this Order until he/she faxes his/her "Report from Volunteer Settlement Master Report" ("VSM Report") to the Family Court. Once the VSM Report is faxed, the VSM is discharged from this case.
 - f. The VSM shall not be required to devote more than 3.5 hours of his/her time to this case. The VSM may, prior thereto, withdraw from service without Court permission if he/she deems it appropriate. The VSM may volunteer more than 3.5 hours to this case if he/she wants.
 - g. Upon his/her discharge, the VSM shall complete and return the "Questionnaire for VSM" to the Mediation Center of the Pacific, ("MCP") by fax at 538-1454 or e-mail at mcp@mediatehawaii.org

4. Duties and Responsibilities of Self-Representing Parties and Involved Attorneys:
 - a. Within forty-eight (48) hours of the filing of this Order, the Plaintiff or his/her attorney, if any, shall serve the VSM with a copy of this Order. The Plaintiff or his/her attorney, if any, shall then file a Certificate of Service confirming that this has occurred.
 - b. In the event that the parties reach a settlement:
 - Within two (2) business days of the settlement, Plaintiff or his/her attorney, if any, shall notify the Court in writing that a settlement has been reached and submit a stipulation signed by the parties and attorneys, if any, to set aside any trial dates and further hearing dates; and
 - Within thirty (30) business days of the settlement, the parties or their attorneys, if any, shall submit a signed Divorce Decree, or stipulated order, to the Family Court.
 - c. Within seven (7) days of the VSM's discharge, the parties and all involved attorneys shall complete the "Questionnaire for VSM Participants" and return it to MCP.

5. The parties hereby agree that, in consideration of the VSM's willingness to serve, the VSM

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shall not be liable to the parties for any act or omission made in the performance of his/her duties.

- 6. Failure to comply with the terms of this Order shall result in the imposition of sanctions and other such relief that the Court determines to be just and proper.
- 7. Contact Information for the Parties and Attorneys:

	PLAINTIFF	DEFENDANT
Name:		
Address:		
City, State, Zip Code:		
Home Phone No.:		
Work Phone No.:		
E-Mail:		
Cell Phone No.:		
	PLAINTIFF'S ATTORNEY	DEFENDANT'S ATTORNEY
Name:		
Address:		
City, State, Zip Code:		
Work Phone No.:		
Fax No.:		
E-Mail:		

DATED: Kapolei, Hawaii, _____.

JUDGE OF THE ABOVE-ENTITLED COURT

APPROVED AS TO FORM AND CONTENT:

_____ Plaintiff's Signature	_____ Date	_____ Defendant's Signature	_____ Date
_____ Signature of Plaintiff's Attorney	_____ Date	_____ Signature of Defendant's Attorney	_____ Date