

RULE 16A. PRETRIAL PROCEDURE IN THE DISTRICT COURT

(a) Orders Prior to Trial. In any action in the District Court, the court may issue a scheduling order, trial management order, or other order directing the future course of the action. The court may issue standard orders, in a form approved by the Chief Judge of the District Court, directing the future course of the action without the signature of a judge, and when so issued such orders are binding on the parties.

(b) Conferences. The court may also schedule a conference, issue a pretrial order or, in its discretion, direct the attorneys for the parties and/or the parties to appear before it for a conference to address:

- (1) The simplification of the issues;
- (2) The necessity or desirability of amendments to the pleadings;
- (3) The possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof;
- (4) The limitation of the number of expert witnesses; and
- (5) Such other matters as may aid in the disposition of the action.

The court may, in its discretion, permit attendance at the conference by telephone or video conferencing.

(c) Orders after Conference. If a conference is held, the court shall make an order which recites the action taken at the conference and such order, when entered, controls the subsequent course of the action, unless modified at the trial to prevent manifest injustice. The court in its discretion may establish a calendar on which actions may be placed for consideration as above provided.

(d) Sanctions. If a party fails to comply with the requirements of this rule, to attend a conference held under this rule, or to comply with any order made hereunder, the court shall impose on the party or the party's attorney, or both, such sanctions as the circumstances warrant, which may include the dismissal of the action or any part thereof with or without prejudice, the default of a party, the exclusion of evidence at the trial, and the imposition of costs, including attorney fees and travel. The court may expressly order, where appropriate in its

discretion, that the costs of such sanctions be borne by counsel and that they shall not be passed on to counsel's client.

Advisory Note
April 2, 2007

The District Court needs more options to manage its dockets, including self-executing tools such as scheduling orders. Rule 16A is expanded to provide some of those options. It is also separated into several subdivisions to improve readability. The current rule limits pretrial conferences to attorneys. The suggested amendment updates the rule to reflect that many self represented parties may be required to attend pretrial conferences. Also, the rule expressly authorizes standard orders, in a form approved by the Chief Judge of the District Court, to be issued without being signed by a judge. Requiring an individual judge to sign every order issued under this rule would be unduly burdensome. Finally, the rule is amended to make clear that sanctions for non-compliance apply to all orders issued under the rule, not just pretrial conferences and orders.

Advisory Notes
2004

Rule 16A is amended to state the court's authority to utilize video and telephone conferencing options.