

All Sides of Neutral Evaluations:

A CROSS-DISCIPLINARY CONVERSATION



Objectives:

- Learn what Neutral Evaluations are.
- Promote the process of NE.
- Learn from an attorney's point of view on how to best prepare.



Judge Randall Fuller



What's in the toolkit:

- What is Neutral Evaluation (NE)?
- Who is involved in a NE session?
- How does NE work?
- Introduction





- What are the rules for NE?
- How may NE help the case?

Best Practices for Attorneys Representing Parties in Neutral Evaluation

Courts in Ohio have successfully established neutral evaluation programs for use in their domestic relations, juvenile, and civil case dockets. Here are some best practices for attorneys to consider applying before and during the neutral evaluation session:



Best Practices for Attorneys Representing Parties in Neutral Evaluation

- Give an explanation to your client about definitions of terms that may be used in the neutral evaluation.
- Practice/role play with your client with your client's presentation to the panel.
- Make any local rules regarding neutral evaluation available to the client, or send it to them as a courtesy.
- If parental rights are at issue, encourage your client to focus on the major issues.
- Let the parties be heard. It is important not to derail the litigant's presentation unless it is belligerent, inappropriate, etc.
- Consider using demonstrative exhibits, especially with finances such as balance sheets, child support worksheets, and/or spousal support calculations.
- As an attorney, focus on being a problem solver and a collaborator in the neutral evaluation process.
- Be positive and optimistic with your client about the potential outcome and the process in general.
- Be respectful and deferential to the panel.

- Attorneys educate themselves on the neutral evaluation process by previewing an evaluation with the panel.
- Attorneys educate the parties on the neutral evaluation process.
- Attorneys educate the experts on the neutral evaluation process.
- Attorneys should know and understand all neutral evaluation local rules of the county.
- Be prepared.
- Perform a conflict check, including involvement as a former or future magistrate.
- Discuss with your client what the client wants out of the neutral evaluation process. What is a successful outcome to the party?
- Have expert reports ready and exchanged before the neutral evaluation.
- Assist your client with all neutral evaluation briefs.
- Generally, do not address personal property issues in a divorce neutral evaluation, unless the assets are valuable or meaningful.

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Financial Neutral Evaluations



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Appendix P: Parenting Perspective Brief

