



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

MANDATORY SETTLEMENT CONFERENCE GENERAL INFORMATION

THE INFORMATION IN THIS DOCUMENT IS NOT LEGAL ADVICE. It is intended to provide general information on what to expect and how to prepare for a Mandatory Settlement Conference (MSC). All information in this document is subject to different orders in individual cases as determined by the judge or commissioner. The term "parties" refers to self-represented litigants and represented litigants and their attorneys.

What is an MSC? An MSC is an informal meeting of the parties with a qualified family law attorney appointed by the court and may be ordered as part of a case resolution plan. The purpose of the MSC is for the parties to discuss the disputed issues and facts in their case with a neutral and knowledgeable third party. The MSC is not a trial and no witnesses are called. The appointed settlement attorney is often referred to as a "settlement judge," but he or she cannot make any rulings or orders. The settlement attorney can, however, offer his or her legal perspective on the areas of disagreement and suggest a fair and equitable resolution. The goal of the MSC is for the parties, with the help of an impartial family law attorney, to reach a settlement on some or all of their disputes without a time-consuming and expensive trial.

Who attends? Every party and their attorney, if represented, must personally attend the MSC unless excused in advance by the court. Failure to appear for or failure to timely request a continuance of the MSC is good cause for imposing sanctions. An MSC will only be scheduled when a completed *Joint Readiness Declaration – Mandatory Settlement Conference* (SDSC Form # D-274) is filed.

How to prepare? (Meet and Confer and Settlement Conference Brief) All parties must be prepared to seriously discuss how they would be willing to settle their case. The court may order the parties to meet before the MSC to discuss the case, resolve as many issues as possible and specify the ones that need to be litigated. Unless the court orders otherwise, each party must prepare a written settlement conference brief. The settlement brief helps both the parties and the settlement attorney focus on the specific issues in dispute including each party's proposed resolution of each issue. The brief must include all the information required for a trial brief as set forth in the California Rules of Court, rule 5.394. Self-represented litigants are encouraged to use the optional local form, *Mandatory Settlement Conference Brief-Long Cause Hearing Brief – Trial Brief* (SDSC Form # D-241). The brief and all attachments must be exchanged between the parties and served on the settlement conference attorney no later than 4:00 p.m., three (3) court days before the MSC unless otherwise ordered by the court. The brief and all attachments are confidential between the parties and the settlement conference attorney. They are not file stamped or placed in the court file. They are not seen by the judge or commissioner. The settlement conference attorney will return the briefs to the parties at the conclusion of the conference. Self-represented litigants are encouraged to review local forms *Mandatory Settlement Conference Term Sheet* (SDSC Form # D-294) and *Child Custody and Child Support Attachment* (SDSC Form # D-294A). These forms may be used to memorialize any agreements reached at the MSC.

Confirmation or continuance? At least ten (10) calendar days before the MSC, the parties must call the court to confirm that the MSC will go forward as scheduled and to receive the name and address of the appointed settlement conference attorney. If necessary, an MSC may be scheduled for a different day by requesting a "continuance" by ex parte application at least five court days before the MSC. An MSC may be continued only by court order. No continuance will be granted within three (3) court days of the scheduled date for the MSC absent extraordinary circumstances.

What if a settlement is reached? If a party is represented by counsel, that attorney will normally prepare the judgment paperwork. Under certain circumstances, a complete judgment package may be submitted on the day of the MSC.

Where can forms and additional information regarding MSCs be found? For forms and additional information about MSCs, visit the Family Law Rules tab and the Forms tab on the Family Law page of the Superior Court's website at www.sdcourt.ca.gov.