



## 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, primarily for self-represented litigants, 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. Additional information and Superior Court forms may be found at [www.sdcourt.ca.gov](http://www.sdcourt.ca.gov).

**What is an MSC?** As part of a case resolution plan, the court may order a Mandatory Settlement Conference. An MSC is an informal meeting of the parties with a qualified family law attorney appointed by the court. 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 with their attorney, if represented, must personally attend the MSC.

**How do you 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. The results of the "meet and confer" will be used to prepare the settlement conference brief. 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 parties' 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 SDSC 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. The brief and all attachments are confidential as between the parties and the settlement conference attorney. They are not file stamped or put 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. Additional information on the preparation of the settlement brief is on-line at [www.sdcourt.ca.gov](http://www.sdcourt.ca.gov) under the Family Law section

**Confirmation or Continuance?** At least ten (10) calendar days before the MSC, 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. 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.

**If a settlement is reached?** If the parties are successful in reaching a full settlement agreement and both parties are self-represented, either the settlement attorney or the Family Law Facilitator staff will assist in preparing the necessary paperwork to process and finalize the judgment. If a party is represented by counsel, that attorney will normally prepare the paperwork. If a full or partial settlement is reached, the parties may also ask to see a judicial officer to recite the settlement agreement on the court record.