



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

FAMILY LAW MANDATORY SETTLEMENT CONFERENCE INFORMATION SHEET

General Information for Self-Represented Litigants

The following information is intended to help the self-represented litigant prepare for the mandatory settlement conference (referred to as an “MSC”) ordered by the court in every case pursuant to San Diego Superior Court Local Rule 5.2.8. The entirety of the local family law rules may be found at www.sdcourt.ca.gov.¹ **It is the responsibility of the self-represented litigant to know and comply with the law, including this court’s local rules.**

What is a Mandatory Settlement Conference (“MSC”)?

Before the court will set a trial date in your case, you are required to attend an MSC. An MSC is an informal hearing at which an experienced family law attorney, assigned to your case by the court, will act as a qualified temporary settlement judge with the goal of helping you and the other party reach an agreement on some or all of the issues in your case without having to go through a trial. The MSC is **not** a trial and no witnesses are called. However, if the other party is represented by counsel, that attorney is required to attend the hearing. If you are successful in reaching a settlement agreement, either the settlement judge or the Family Law Facilitator staff will assist you with the necessary paperwork to process and finalize your judgment. If the other party is represented, that attorney will normally prepare the paperwork.

Your personal attendance at this hearing is mandatory and no continuances are granted on the date of the hearing absent extraordinary circumstances.

What must you do before the MSC Hearing?

At the MSC, all parties **must be** prepared to discuss how they would be willing to settle their case. As part of this process, you **must prepare a “Settlement Conference Brief.”** (See “How do you prepare the Settlement Conference Brief?” below.) The brief helps the settlement judge become familiar with the facts of your case as well as your position on each issue. At least five court days before your MSC hearing (do not count weekends and holidays), you are required to discuss your case with the other party (or his/her attorney) either in person or by telephone. This is called a “meet and confer.” The purpose of the meet and confer is to try and resolve as many issues as possible and to identify the issues that still need to be discussed with the settlement judge at the MSC. The results of the meet and confer must be included in your mandatory settlement conference brief.

By 4:00 p.m., at least three court days before your MSC hearing (do not count weekends and holidays), you must serve a copy of your Settlement Conference Brief on both the other party (or his/her attorney) and the settlement judge assigned to your case.

How do you prepare the “Settlement Conference Brief”?

The Settlement Conference Brief must be in the format set forth in local SDSC Form #D-241. The easiest way to prepare your brief is to simply fill in the blank form which is available at both the Family Law Business Office and online at www.sdcourt.ca.gov. Just check the appropriate boxes and fill in the necessary information. Most importantly, you will see that as to each issue on which you have not come to an agreement, you must clearly state both your proposal as to how to resolve each disputed issue and the reason(s) for your proposed resolution.

1. While the San Diego Superior Court maintains its own website, the content changes periodically. This information sheet may not always be up to date with the information on the website. When you access the website, you are subject to the terms of the use and privacy policies of the website.

Other documents to include with your Settlement Conference Brief:

- You must include a Final Declaration of Disclosure (JC Form #FL-140).
- If support or attorney fees are an issue, you must include an Income and Expense Declaration (JC Form #FL-150)
- If you have not agreed on the division of furniture, furnishings and personal effects, you must **jointly prepare with the other side and submit** a combined list of these items. You should use Attachment 3 to the Settlement Conference Brief for your proposed division of property.
- If you are making a request for reimbursement of money paid by you after separation towards community debts (called “Epstein credits”), you must attach all exhibits you expect to introduce into evidence at trial.
- If you are claiming reimbursement for contributions you made during marriage to the purchase of community property (or your spouse’s separate property) from your separate property (see Family Code § 2640), you must attach as exhibits any evidence you intend to use at trial, for example: canceled checks, bank statements, title documents, escrow documents, etc.
- If the value of a vehicle is an issue, attach a copy of the *Kelly Blue Book* value that substantiates your opinion. Normally, the value of the vehicle in question is midway between “wholesale” and “retail” value, or the online “trade-in” and “retail” value, with appropriate adjustment for extras and mileage.

NOTE: If you fail to follow ALL of the requirements for your MSC, the court may appoint a person called a “Special Master” to review the issues and make recommendations to the court about dividing your property. All costs for the Special Master will be ordered paid by one or both of the parties.

Related court forms available online at: www.sdcourt.ca.gov or for purchase at the Family Law Business Office	
Settlement Conference Brief	SDSC Form #D-241
Declaration of Disclosure	JC Form # 40
Schedule of Assets and Debts	JC Form #142
Income and Expense Declaration	JC Form #150
Family Code § 4320 Spousal Support Factors Attachment	SDSC Form #D-242
Declaration Regarding Service of Declaration of Disclosure	JC Form #FL-141
Proof of Personal Service	JC Form # FL-330
Proof of Service by Mail	JC Form # FL-335

Checklist:

- ☐ Meet and confer at least five court days before MSC hearing.
- ☐ Prepare your Settlement Conference Brief.
- ☐ Serve your Settlement Conference Brief with all attachments by 4:00 p.m., at least three court days before the MSC hearing on both the other party (or his/her attorney) and the settlement conference judge.

If you have any questions about the Settlement Conference Brief or procedures, you may seek assistance from the Family Law Facilitator’s Office.