

## CHAPTER 2 CASE MANAGEMENT

### Rule 5.2.1

#### **Direct Calendar Case Assignment**

**A. Notice of Assignment.** New cases are assigned to a specific judicial officer for all purposes. The petitioner will receive a notice of case assignment when the petition is filed. A copy of the notice of case assignment must be served on the respondent with the petition.

**B. New Case Related to Domestic Violence or Other Family Law Case.** New cases filed that relate to a pre-existing Domestic Violence or other family law case will be assigned to the judicial officer hearing the case of broader jurisdiction.

**C. Notice of Reassignment.** All case reassignments initiated by the court as a result of the change of a judicial officer in a department are posted online and in the courthouse lobbies approximately 30 days in advance of the reassignment.

(Adopted 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2008; Rev. 1/1/2009; Rev. 1/1/2010; Rev. 1/1/2012; Rev. 1/1/2013; Rev. 1/1/2014)

### Rule 5.2.2

#### **Family Case Resolution Conference (FRC) and Self-Represented Case Resolution Conference (SFRC)**

**A. Purpose, Definitions and Procedures.** See Family Code sections 2450, 2451 and California Rules of Court, rule 5.83.

#### **B. Scheduling and Service of Notice of FRC or SFRC (collectively referred to as “conference(s)”)**

1. The court will set an initial FRC (cases with at least one attorney) or SFRC hearing date and issue a “Notice” of the conference at the time the petition is filed.

2. The petitioner must serve the respondent with a copy of the Notice along with the petition. Petitioner must also serve a copy of the Notice on all parties or their attorneys of record who have made an appearance in the case before the scheduled conference.

3. Subsequent conferences may be set and noticed by the court.

**C. Attendance.** All parties or their counsel must personally attend the first conference unless otherwise ordered by the court. Personal appearance at all subsequent conferences will be ordered at the court’s discretion.

**D. Alternative Dispute Resolution (ADR) and Reconciliation.** Parties who file a stipulation prior to the conference indicating they are participating in ADR or attempting reconciliation will be exempt from the conference for six months. If a judgment or dismissal is not filed within six months of the filing of the stipulation, the parties will be required to attend the noticed conference.

(Adopted 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2008; Rev. 1/1/2009; Rev. 1/1/2010; Rev. & Renum. 1/1/2012; Rev. & Renum. 1/1/2013; Rev. 1/1/2014)

### Rule 5.2.3

#### **Alternative Dispute Resolution (ADR)**

Except in cases involving domestic violence, ADR is encouraged but voluntary. The Alternative Dispute Resolution Informational Notice (Form SDSC D-9) is available at the family court business offices or online.

**A. Mediation or Arbitration.** Before participating in mediation or arbitration, the parties must file with the court a written and signed stipulation.

#### **B. Collaborative Law Process**

1. **Stipulation.** Before participating in the collaborative law process, the parties shall file with the court a signed stipulation pursuant to Family Code section 213.

2. **Designation.** The words “Collaborative Case” must be included below the case number in the case caption of every document filed with the court.

3. **Termination.** The case may be removed from the collaborative process either by filing a signed stipulation by both parties or by either party by filing and serving a notice of termination. Termination of the process does **not** require good cause. After filing the stipulation or notice of termination, the clerk will schedule a FRC or SFRC and notify the parties of the date.

**C. Privately Compensated Temporary Judge.** A request for the appointment of a privately compensated temporary judge must be directed to and granted by the family court supervising judge.

(Adopted 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2007; Rev. 1/1/2008; Rev. 1/1/2009; Rev. 1/1/2010; Rev. 1/1/2012; Rev. & Renum. 1/1/2013; Rev. 1/1/2014)

### Rule 5.2.4

#### **Related Cases**

Parties shall file and serve a notice of “related case,” as defined by California Rules of Court, rule 5.440, as soon as possible upon learning of the existence of a related case.

(Adopted 1/1/2013)

**Rule 5.2.5****Mandatory Settlement Conference (MSC)**

**A. Setting MSC Date.** The MSC will be set only after the court has proof of service of both parties' preliminary declarations of disclosure.

**B. Settlement Brief.**

1. Unless otherwise ordered by the court, a settlement conference brief is mandatory. The contents of the settlement brief must include all the information required for a trial brief as set forth in California Rules of Court, rule 5.394. Parties may use the optional local settlement brief form SDSC D-241 available online or in the family court business office.

2. The brief and all attachments must be exchanged between the parties and served on the settlement conference attorney in a manner that ensures they are received no later than 4:00 p.m., 3 court days before the MSC, unless otherwise ordered by the court.

**C. MSC Confirmation.** No later than 10 calendar days before the scheduled MSC, parties must call the court to confirm that the MSC will go forward and to receive the name and address of the settlement conference attorney.

**D. Continuances and Sanctions.** An MSC may be continued only by court order, requested at least 5 court days before the scheduled date for the MSC. The court may sanction a person who fails to timely request a continuance, for any reason, other than the settlement of the entire case.

**E. Personal Appearance and Sanctions.** All parties must personally appear at the MSC unless excused in advance by the court. The court may sanction a person who fails to personally appear at the MSC. (Adopted 2005; Rev. 2006; Rev. 1/1/2007; Rev. 1/1/2008; Rev. 1/1/2009; Rev. 1/1/2010; Rev. 1/1/2011; Rev. 1/1/2012; Rev. & Renum. 1/1/2013; Rev. 1/1/2014)

**Rule 5.2.6****Telephone Appearances in Family Court**

An appearance by telephone is governed by California Rules of Court, rule 5.9 and requires a court order. All requests for a telephone appearance must be made on local Form SDSC D-259, filed with the court and served on all parties at least 10 court days before the scheduled hearing.

(Adopted 1/1/2007; Rev. 1/1/2008; Rev. 1/1/2010; Rev. 1/1/2012; Rev. & Renum. 1/1/2013; Rev. 1/1/2014)