

CHAPTER 8
MANDATORY SETTLEMENT CONFERENCES AND TRIALS

Rule 5.8.1

Mandatory Settlement Conference (MSC)

A. Setting Trials and MSC Date. An MSC is required before any trial unless excused by court order. The MSC will be set only when all parties and/or their attorneys have completed, signed and filed the *Joint Readiness Declaration–Mandatory Settlement Conference* (form SDSC D-274).

B. Settlement Conference Brief and Supporting Documents

1. Unless otherwise ordered by the court, a settlement conference brief is required. The court encourages the use of the *Mandatory Settlement Conference Brief-Long Cause Hearing Brief-Trial Brief* (form SDSC D-241)

2. The settlement conference brief and all attachments must be exchanged between the parties and served on the assigned settlement conference attorney in a manner that ensures they are received no later than 4:00 p.m., three 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. Rescheduling and Sanctions. An MSC may be rescheduled only by court order, requested at least five court days before the scheduled date for the MSC. Failure to timely request a rescheduling of the conference, for any reason, other than the settlement of the entire case, is good cause for imposing sanctions.

E. Personal Appearance and Sanctions. All parties must personally appear at the MSC unless excused in advance by the court. Failure to personally appear at the MSC is good cause for imposing sanctions.

F. Stipulated Judgment. If the parties intend to enter a stipulated judgment on the day of the MSC, they may bring the following prepared forms along with the required self-addressed stamped envelopes: *Judgment* (form FL-180), *Notice of Entry of Judgment* (form FL-190), *Appearance, Stipulations and Waivers* (form FL-130), *Declaration Regarding Service of Disclosure and Income and Expense Declaration* (form FL-141), *Stipulation and Waiver of Final Declaration of Disclosure* (form FL-144), and *Declaration for Default or Uncontested Dissolution or Legal Separation* (form FL-170).

(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; Rev. 1/1/2015; Rev. 1/1/2016; Renum. 1/1/2017; Rev. 1/1/2018; Rev. 1/1/2019; Rev. 1/1/2020; Rev. 1/1/2021)

Rule 5.8.2

Trial Setting. All trial related dates and procedures, including but not limited to, discovery cut-off dates, designation of expert witnesses, trial briefs, motions in limine, exchange and submission of exhibit lists and exhibits, and witness lists will be as ordered by the court, and if the court fails to set the dates, the dates will be pursuant to the Code of Civil Procedure. (Adopted 1/1/2017; Rev. 1/1/2020)

Rule 5.8.3

Trial Exhibits. Absent a separate court order, all trial exhibits must be lodged in a format in accordance with Rule 5.5.5.B. above. (Adopted 1/1/2017; Rev. 1/1/2019; Rev. 1/1/2020)