

Rule 3.1.08 Settlement Conferences

This Court adopts the policy that good faith efforts to settle family law trials are an essential part of the judicial process and are encouraged. The Court offers the Voluntary Settlement Conferences as a mechanism for resolution.

Failure to comply with the procedures outlined in this rule may subject the offending party/attorney to sanctions, including monetary sanctions. Represented and self-represented litigants are expected to comply with this Rule.

(a) Eligibility to Schedule Settlement Conferences

1. The following must be completed and exchanged for the case to be eligible to be scheduled for a voluntary settlement conference:

- a) Preliminary disclosures
- b) Discovery/exchange of all documents
- c) Appraisals/Valuations (real & personal property)
- d) Any and all expert reports

2. Cases shall be submitted for judicial review to determine if the above criteria have been met and that the following are true:

- a) The parties/attorneys are prepared and ready for settlement and/or trial.
- b) The parties themselves are willing and ready to participate in settlement discussions and resolution.

(b) Requesting a Voluntary Settlement Conference

- 1. Conferences may be requested at a scheduled court date.
- 2. Outside of a hearing, conferences may be requested by filing a stipulation and order to set the matter for a settlement conference using the mandatory Local Form SUPFL 500. Stipulations will be submitted for judicial review to determine if the case is eligible for a voluntary settlement conference.

(c) Settlement Conference Scheduling

- 1. Conferences will be set with a Settlement Attorney appointed by the Court or a Family Law Pro Tem.
- 2. Conferences will be held remotely on Zoom. In-person conferences may be held at the Watsonville Courthouse if all parties agree.

3. A status conference hearing will be scheduled 3-6 weeks after the voluntary settlement conference date.
4. It is the policy of the Court not to continue matters set for settlement conference without good cause. Requests to reschedule a settlement conference date shall be done by filing a stipulation and order with the clerk at least five court days prior to the settlement conference date using mandatory Local Form SUPFL 501.
 - a) Future availability should be specified in the stipulation.
 - b) If the matter is rescheduled, updated financial documents may need to be submitted.
5. Cancelling a scheduled conference may be done by either party after notice to the other party. Requests to cancel should be made as soon as possible but no later than five court days prior to the scheduled date. A party may cancel the conference by:
 - a) Emailing a request to take off calendar to familylawinfo@santacruzcourt.org
 - b) Submitting a request on pleading paper to the Clerk's Office

(d) Voluntary Settlement Conferences

1. Parties shall meet and confer at least ten court days prior to the scheduled date.
2. Confidential settlement conference statements shall be submitted to the court by both sides at least five court days prior to the scheduled date. The settlement conference statement shall include:
 - a) For issues of support:
 - i. An Income and Expense Declaration, Judicial Council form FL-150, including the last two months of pay stubs or profit and loss statement if applicable.
 - ii. The following should be exchanged but not filed with the court at least ten days before the settlement conference:
 1. The last two years income tax returns,
 2. Corporate income tax returns, if applicable,
 3. W-2's,

4. 1099's for the last two years and

5. Any and all information to assist in deciding questions of income.

iii. A proposed DissoMaster calculation run in the last 30 days. The court may exercise its discretion in not enforcing this requirement for self-represented litigants.

b) The proposed division of property and debts should be set out including how any equalization payment should be handled.

c) Cases with a history of Domestic Violence should include a brief statement to that effect.

3. Failure to file a timely settlement conference statement shall result in the conference being taken off calendar and set for an order to show cause why sanctions should not be imposed to be heard at the next scheduled status conference.

(e) Settlement Agreements

The parties shall endeavor to document the agreement during the settlement conference. In cases where there is good cause for not documenting during the settlement conference, the court will provide alternative options.

~~(a) Settlement conferences may be set at least four weeks prior to trial. Prior to filing a Settlement Conference Statement, the parties are required to meet and confer as set out in Local Rule 3.1.03. Each party must provide to the settlement conference judge pro tem at the settlement conference, the following:~~

~~1. If support is an issue and if financial information is not up to date each party shall bring current Income and Expense Declaration, Judicial Council form FL-150, including the last three pay stubs, the last two years income tax returns, corporate income tax returns if applicable, W-2's, 1099's for the last two years and any and all information tending to assist the Court in deciding questions of income.~~

~~2. On one sheet of paper, set out how the property and debts should be divided and how any equalization payment should be handled.~~

~~3. A list of witnesses and a short statement as to what each will testify to.~~

~~4. A list of stipulated and/or undisputed facts and a description of which exhibits are agreed to be admissible.~~

~~5. Failure to comply with the procedure outlined above may subject the offending party/attorney to sanctions. Represented and self-represented litigants are expected to comply with this Rule.~~

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