

LCR 40(b)(7) and (b)(7)(C) Mandatory Settlement Conferences

RULE 40 ASSIGNMENT OF CASES

(b) Methods – Specific Types of Civil Cases NOT Subject to Case Scheduling Order.

(7) Mandatory Settlement Conferences. Except in cases meeting the requirements for an accelerated setting (see approved Notice to Set for Trial Family Law Court), the parties in all cases involving the original petition for dissolution of marriage, legal separation, annulment, and dissolution of committed intimate relationship, and for a parenting plan and/or residential schedule, shall participate in either a judicial settlement conference or a good faith mediation conducted by an independent, neutral, and trained mediator. This requirement is waived in cases where parties have reached agreement and final agreed orders have been entered. [Amended effective September 1, 2019; September 1, 2020; September 1, 2021.]

(A) Designation of Immediate Trial Setting. The party filing a Notice to Set for Trial Family Law Court shall designate whether the matter should immediately be set for trial without a judicial settlement conference.

(B) Settlement Conference – Scheduling. Superior Court Administration shall schedule the judicial settlement conference.

(C) Settlement Conference Affidavit. Each party participating in a judicial settlement conference must complete the pre-trial Domestic Relations Settlement Conference Affidavit on the form available from Superior Court website or administration office. The original must be filed with the Superior Court Clerk and a copy served on the opposing attorney or party if not represented by an attorney, no later than 4:00 p.m. one week prior to the settlement conference. At the same time, a copy of the Affidavit must be provided to the judicial officer presiding over the settlement conference. Failure to file and serve the Affidavit one week prior to the settlement conference shall subject the person failing to do so to an assessment of not less than \$150.00 and up to \$500.00. Failure to file the Affidavit and/or appear at the settlement conference may subject a party or attorney to additional sanctions. [Amended effective September 1, 2021.]

(D) Requirement Prior to Scheduling Trial. Unless approved by the assigned judicial department, no case subject to this provision will be set for trial without completion of a judicial settlement conference or proper designation for an immediate trial setting.

(E) Trial Setting. All trials will be set by the assigned judicial department. [Amended effective September 1, 2018]