
FAMILY RULES**G. LONG CAUSE TRIAL SETTING**

Trials or evidentiary hearings which will exceed two days are considered long cause trials.

Once the APJ or DVPA judge accepts a trial estimate for a long cause trial, the matter will be set on the Long Cause Trial Setting calendar. The Long Cause Trial Setting calendar will be managed by the Supervising Judge. At the Long Cause Trial Setting calendar the Supervising Judge will set the matter for trial in the Family Division on the Long Cause Trial calendar or will refer the matter to the Civil Division for further setting.

The Supervising Judge may make any orders that could be made at a Status Conference or Case Resolution Conference. The Supervising Judge has the discretion to schedule a Judicially Supervised Settlement Conference with the agreement of the parties.

G. FAMILY LAW JUDICIAL SETTLEMENT PROGRAM (H) JUDICIALLY SUPERVISED SETTLEMENT CONFERENCE PROGRAM (JSSC)

Parties may apply ~~at the earliest opportunity~~ to participate in a settlement session with a sitting judicial officer ~~who has agreed to participate in the program~~. The program is governed by the following ~~rules~~ guidelines:

(1) ELIGIBILITY/CRITERIA FOR PARTICIPATION

- a. The case will consume significant court resources, and ~~would be~~ is set for a long cause trial. ~~lengthy trial in the Civil Division.~~
- b. The parties and their attorneys represent in good faith that they desire to resolve the case, and that they agree to participate in a settlement session with ~~an agreed-upon~~ a judicial officer.

c. The parties are prepared to complete a settlement session as soon as the case is accepted into the program. Discovery must be completed and expert witness reports must have been disclosed.

d. The Court has obtained jurisdiction over all necessary parties so that a resolution resulting from a settlement session will be final.

e. The parties are represented by counsel.

f. Cases involving property division, support, or other financial issues must have been to at least one Settlement Officer Conference or have completed meaningful private mediation.

g. Cases involving custody and visitation may be set only after completion of mediation, a Judicial Custody Conference, Custody Settlement Conference, or Post-Mediation Hearing.

e. ~~h.~~ The Supervising Family Judge accepts authorizes the case for the program despite the failure to satisfy one or more of the above-stated criteria.

f. ~~i.~~ This settlement program may not be appropriate in cases involving domestic violence. If requested and authorized in such cases, the Settlement Judge will use a shuttle system so that the parties will meet separately, which will require the parties to agree that the Settlement Judge may meet separately with each side. ~~may schedule separate sessions with the parties, or provide separate locations for the parties during the session.~~

(2) PROCEDURE

a. Application must be made on the ~~Family Law Judicial Settlement Program Stipulation and~~ Judicially Supervised Settlement Conference Application and Order form (Local Form FM- 1119) and submitted to the Supervising Judge. The application must be signed by all counsel and self-represented parties. ~~The All-Purpose Judge (APJ) also may request recommend that certain cases apply to the program, with the agreement of all parties and counsel.~~

- b. The All-Purpose Judge (APJ) also may recommend that certain cases apply to the program, with the agreement of all parties and counsel.
- c. A JSSC may be conducted by the assigned APJ or Long Cause Trial Judge. The Settlement Judge may require a completed FM-1192 form.
- ~~b.~~ d. The application must be submitted to and approved by the Family Supervising Judge via electronic filing. Once the application is approved the parties must submit the Application and Order to the Family Court Settlement Officer [JSSC@scscourt.org]. The available dates for the conference will be available on the court's website. Counsel must confer and notify the Family Court Settlement Officer regarding the agreed-upon date and time. The Family Court Settlement Officer will confirm the conference date. Any rescheduling coordination must be managed through the Courtroom Clerk for the assigned Settlement Judge.
- ~~d. When the application is approved, counsel and/or self-represented parties must promptly contact the department of the judge selected to conduct the settlement session, to schedule the session.~~ e. The parties may agree on the application that certain ~~When the application is approved, all law and motion and discovery proceedings will be stayed until completion of the settlement session, except as otherwise agreed by the parties or ordered by the Court. Settlement sessions will be conducted on a day selected by the Settlement Judge as coordinated by the~~ Family Court Settlement Officer.
- f. The parties and counsel must appear remotely via video conference. All participants must be present for the duration of the JSSC.
- g. Under no circumstances will the JSSC be considered a substitute for a Mandatory Settlement Conference.

(3) TIMELINE

- a. ~~The settlement session must should commence within thirty (30) days of approval of the application, and must be completed no later than sixty (60) days after~~

~~approval of the application, except as otherwise ordered by the Court.~~

(Effective 1/1/2022)

- b. ~~The case will must be set for Settlement and Case Status Review approximately seventy (70) days after approval of the application with the APJ, in the APJ's discretion.~~

(Effective 1/1/2022)

(4) (3) PERSONS ATTENDING/STATEMENTS

- c. Lead trial counsel, parties, and persons with full authority to settle the case must ~~personally~~ attend the settlement session, unless excused by the Settlement Judge for good cause. If financial issues are to be discussed, the parties ~~must~~ may bring their financial experts to the settlement session, ~~unless excused by the Settlement Judge for good cause.~~ The financial experts must confer prior to the settlement session to identify areas of agreement and/or disagreement. If any consent to settle is required for any reason, the person or persons with that ~~consensual~~ authority must be ~~personally~~ present at the settlement session, unless excused by the Settlement Judge for good cause.

(Effective 1/1/2022)

- d. Counsel ~~and self-represented parties~~ must submit to the Settlement Judge and serve on all parties, but not file, ~~full~~ a written statements of their position regarding settlement no later than five (5) calendar days before the settlement session.
- c. Counsel for Petitioner is responsible for creating a Zoom session and link, or comparable session using a different platform, with at least two breakout rooms, unless the Settlement Judge has instructed otherwise. If the Zoom session has been created by counsel, counsel will make the Settlement Judge the host when the JSSC commences.

(Effective 1/1/2022)

(4) SETTLEMENT CONFERENCE

- a. A settlement conference conducted under the JSSC ~~Family Law Judicial Settlement~~ Program is conducted under Family Code Section 2451. There is no provision for confidentiality of communication, unless otherwise provided in Evidence Code Section 1152, subd. (a) or other legal authority.

(Effective 1/1/2022)

- b. If a settlement session before the Settlement Judge results in either a full or a partial settlement, the agreement must be reduced to writing by the parties. ~~Although the parties may place their agreement on the record, the Settlement Judge will not expand on or interpret any incomplete term of the settlement placed on the record if the parties are unable to finalize a written agreement after the settlement session.~~ The parties may stipulate that the Court will retain jurisdiction over them to enforce the settlement, pursuant to Code of Civil Procedure Section 664.6.

(Effective 1/1/2022)

(5) FURTHER COURT PROCEEDINGS

a. The Settlement Judge is subject to the provisions of Evidence Code Section 703.5.
(Effective 1/1/2022)

b. At the conclusion of the settlement session, and with notice to the parties, the Settlement Judge may report in writing to the APJ whether all or part of the case has settled, and/or make recommendations as to the process by which some or all of the remaining issues in the case may be most expeditiously resolved.

(Effective 1/1/2013)

ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME AND ADDRESS) TELEPHONE NUMBER:	FOR COURT USE ONLY
ATTORNEY FOR (Name):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA STREET ADDRESS: 201 North First Street, San José, CA 95113 MAILING ADDRESS: 191 North First Street CITY AND ZIP CODE: San José, California 95113 BRANCH NAME: Family Justice Center	
PLAINTIFF: <u>PETITIONER</u> : DEFENDANT: <u>RESPONDENT</u> :	
FAMILY LAW JUDICIALLY SUPERVISED SETTLEMENT CONFERENCE STIPULATION APPLICATION AND ORDER	CASE NUMBER:

1. The parties and their attorneys stipulate that the claims in this action will be submitted to a the Family Law Judicially Supervised Settlement Program for a Settlement Conference (JSSC).

2. It is further stipulated that the matter be submitted to the following Judge(s), in the following order:
 - ~~The Hon. _____, Judge, Superior Court of California, County of Santa Clara; or~~
 - ~~The Hon. _____, Judge, Superior Court of California, County of Santa Clara; or~~
 - ~~A Judge of the Superior Court of California, County of Santa Clara assigned by the Family Supervising Judge.~~

~~We estimate the trial will take _____ days.~~
2. Trial is set and we estimate the trial will take _____ days.

3. We affirm that discovery is complete and expert witness reports have been disclosed.

4. We agree that the court has obtained jurisdiction over all necessary parties.

5. We affirm that we wish to resolve the case.

6. Financial Trials: We affirm that we have attended at least one Settlement Officer Conference or have completed private mediation on the following dates: _____
- Custody and Visitation: We affirm that we have completed mediation, a Judicial Custody Conference, Custody Settlement Conference or Post-Mediation Hearing.
7. Our matter involves a DVPA action and we agree to use a shuttle system for the Settlement Conference which will enable the Settlement Judge to meet separately with each side.
8. We stipulate that the Settlement Judge may meet separately with each side.
9. We understand that all JSSCs are conducted remotely and that all parties must be present for the duration of the conference.
10. We stipulate to and request that the Supervising Judge stay the following law and motion or discovery proceedings:

~~3.11.~~ Parties and counsel have read and agree to be bound by the Rules of the ~~Family Law Judicial Settlement Program~~ Judicially Supervised Settlement Conference Program, and the Rules of Court of the Superior Court of California, County of Santa Clara.

Date: _____

(Attorney for Petitioner - Type or Print Name)

(Signature)

(Petitioner - Type or Print Name)

(Signature)

(Attorney for Respondent - Type or Print Name)

(Signature)

(Respondent - Type or Print Name)

(Signature)

(Attorney for Other - Type or Print Name)

(Signature)

(Attach additional signature pages if necessary)

ORDER ON REVERSE SIDE ATTACHMENT

PLAINTIFF: DEFENDANT/RESPONDENT:	CASE NUMBER:
---	--------------

ORDER

4. Application for ~~Family Law Judicial Settlement Program~~ Judicially Supervised Settlement Program is:

- a. Approved.
- b. Denied.

5. This case is referred to the Family Settlement Officer for scheduling. ~~submitted for Settlement Conference to Judge _____, Department _____.~~

6. ~~Parties and/or eCounsel shall~~ must contact the court at JSSC@scscourt.org and provide this signed order. Counsel is ordered to confer regarding a mutually agreed-upon conference date after consulting the availability of conferences on the court's website located in the Family Division section. here:- https://www.scscourt.org/court_divisions/family/sp_soc/JSSCdates.pdf

7. Pending the completion of the settlement process, discovery and law and motion proceedings are not stayed are stayed [except for the following matters: _____

_____]. The following matters are continued to _____, 20 ____, at _____ a.m. p.m. in Department _____.

2. Settlement and Case Status Review is set for _____, 20 ____, at _____ a.m. p.m. in Department _____.

3. The Case Status/Case Resolution Conference set for _____, 20 ____, at _____ a.m. p.m. in Department _____ remains set is vacated is continued to _____, 20 ____, at _____ a.m. p.m. in Department _____.

IT IS SO ORDERED.

Date: _____

Judicial Officer of the Superior Court