

LSPR 94.03D SETTLEMENT AND PRETRIAL CONFERENCES

(a) Settlement Conferences.

(1) *Requirement.* All contested family law cases shall be set for settlement conference as set forth in the court's Case Schedule Order unless otherwise ordered by the court. Upon filing of Request to Schedule Settlement Conference and Trial, the court shall assign the earliest available dates. The case must be at issue before the settlement conference and trial setting. In dissolution actions, paternity, and minor guardianship actions, if a settlement conference setting has not been requested within 4 months from the date the action was filed, the court may order a settlement conference and trial setting with notice to the parties or counsel of record.

(2) Scheduling.

(A) To initiate the setting of a settlement conference and trial, the moving party must file a Request to Schedule Settlement Conference and Trial form and set the matter on the administrative calendar for Settlement Conference and Trial Setting. The scheduling shall occur within 120 days of the filing of the first responsive pleading, unless required mediation has not been completed. It must be filed 14 days before the date scheduled for the administrative calendar.

(B) The party responding to the Request to Schedule Settlement Conference and Trial setting must file a Response to Settlement Conference and Trial 7 days before the date scheduled for the hearing.

(C) A party may object that a case is not ready for a settlement conference and trial by filing and serving an objection no later than 12:00 p.m., 3 business days preceding the date noted on the Notice. The matter shall then be referred to a judge to determine whether the case is ready for a settlement conference and trial. The court may require a hearing. If the matter is determined to be ready for settlement conference and trial setting, the case will be returned to the case scheduler for settlement conference and trial assignment. Otherwise, the judge may order a date by which the case shall be made ready for settlement conference and trial setting. The court may also determine, on its own motion, that the case is not ready for a settlement conference and trial.

(3) *Attendance and Preparation Required.* The parties and their attorneys shall attend, personally or remotely, the settlement conference, unless other arrangements are approved by the court prior to the settlement conference. If any party chooses to appear remotely, that party is required to have the video setting on. At the settlement conference, each party shall be prepared to address the unresolved issues and negotiate settlement of the case in good faith.

(4) *Mandatory Discovery.* Parties shall exchange, as appropriate, the following documents no later than 14 days before the conference. If a document is not produced,

a brief explanation of why it is not produced is required. The documents required include the documents listed in LSPR 94.03B(b)(4), as well as the following:

(A) A copy of the most recent statements and a copy of statements current as of the date of the parties' separation, of balances due on mortgages, real estate purchase contracts, deeds of trust, installment purchase contracts, time payment accounts, credit cards, and other debt owed by or to the parties;

(B) The most recent employers' Employee Retirement Income Security Act (ERISA) statement and a statement of contributions since that statement of any pension plan of either party; the most recent statements, and statements as of the date of separation, for any Individual Retirement Account (IRA), Simplified Employee Pension plan (SEP), deferred compensation account, or other defined contribution "retirement" account;

(C) A written appraisal of any real estate and/or personal property of special, unusual, or extraordinary value, or a summary of the evidence that will be relied upon to value such items;

(D) The most recent National Automobile Dealers Association (N.A.D.A.) Official Used Car Guide, or other similar vehicle appraisal guide showing both average loan or wholesale and retail values for any automobiles;

(E) A summary of the source and tracing of any property asserted to be the separate property of either party;

(F) A statement from each life insurance company issuing a policy of insurance on the life of either party as to its cash value and any loans against its cash value;

(G) A written appraisal/business evaluation of any proprietorship, partnership, or closely held corporation of the parties, or a summary of the evidence that will be relied upon to value the same; and

(H) Expert witnesses shall be disclosed no later than at the time of the discovery exchange.

(5) *Settlement Conference Statement.* Each party shall serve upon the other party and provide to the court a settlement conference statement no later than 14 calendar days prior to the settlement conference, unless the parties agree to a shorter period of time. The shorter period for exchange shall not be less than 7 calendar days before the settlement conference. The settlement conference statement should be in a form similar to that contained on the court's website. Parties may supplement the information provided in the preferred form with a written statement further describing the issues.

(6) *Sanctions.* If a party fails to comply with the provisions of (3), (4), or (5)

above, the court may immediately impose sanctions not to exceed \$500, payable to the other party.

(7) *Other Documents.* If child support or a parenting plan is at issue in the action, a proposed child support worksheet and a proposed final parenting plan shall be attached to the settlement conference statement of each party.

(8) *Negotiations Before Settlement Conference.* After the settlement conference statements are served, the parties are encouraged to negotiate and exchange additional documentation. Parties may file supplemental settlement conference statements at any time prior to the settlement conference, if the party's analysis or proposal to resolve all issues has changed after reviewing the other party's settlement conference statement. If the parties are able to resolve all issues prior to the settlement conference, they shall appear at the conference prepared to present testimony and enter final orders completing the case or to put the settlement agreement on the record.

(9) *Completion.* At the completion of a settlement conference, the court shall schedule a hearing for presentation of final papers if settlement is achieved or schedule a second settlement conference if warranted and time is available.

(10) *Negotiations After Settlement Conference.* If the settlement conference does not result in complete resolution of the case, each party shall submit to the other a written settlement proposal addressing all unresolved issues. This offer shall be submitted within 30 days after the settlement conference, but not less than 21 days before trial.

(b) Pretrial Matters

(1) *Requirement.* All parties to family law actions (RCW chapters 26.09, 26.26, and 11.130) shall file a completed pretrial report no later than 30 days before the assigned trial date. All parties to dependency actions shall file a pretrial report no later than 14 days before the assigned trial week. Parties shall use the court's Pre-Trial Report form.

(2) *Scheduling.* The court may schedule a pre-trial conference and parties may request a pre-trial conference by motion in appropriate cases. If the court orders a pre-trial conference, all attorneys and parties are required to attend, unless the court excuses their attendance in advance. Parties wishing to be excused from attending the pre-trial conference must file a motion to be heard on the judge's motion calendar.

(3) *Subjects for the Pre-Trial Report.* The pretrial report shall address:

- (A) the length of the trial, including opening and closing argument;
- (B) confirmation of witnesses and coordination of scheduling;

(C) identification of exhibits and agreement on admission where possible; and

(D) discussion of anticipated pretrial motions or problems.

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