

**STATE BAR COURT HEARING DEPARTMENT
GUIDELINES FOR SCHEDULING AND CONDUCTING
PREFILING SETTLEMENT CONFERENCES (PSC)
IN MISDEMEANOR CONVICTION PROCEEDINGS
RULE 5.341, RULES OF PROCEDURE
Effective February 1, 2021; Revised July 1, 2024**

Scheduling:

- Use the court-approved form for requesting a Prefiling Settlement Conference and submit to proper venue by personal delivery, email, or mail. All requests must be on the latest version of the form dated March 2025. Requests on any other form will be returned and accompanied by a request to resubmit the new form.
- The court will conduct the PSC within 14 days of the request. It is recommended that the parties supply multiple agreed upon PSC dates within that timeframe. The court will attempt to accommodate the mutually agreed upon dates.
- If no mutually agreed upon dates are provided, the court will independently schedule the PSC date, as provided for in rule 5.341(B)(1) of the Rules of Procedure of the State Bar.
- Court Clerks will notify parties of the assigned PSC Judge and PSC date.
- The parties may not request a specific PSC Judge.

Preparation for the Conference:

- The parties are required to meet and confer in person, by telephone, or by video conference prior to the PSC, pursuant to rule 5.52.4 of the Rules of Procedure.
- At least three court days before the PSC, the parties are required to lodge with the court a settlement conference statement pursuant to rule 5.52.5 of the Rules of Procedure. Each party's settlement conference statement should give a brief statement of the case, including the party's settlement position. The Office of Chief Trial Counsel must submit a copy of the record of conviction, a summary of the facts demonstrating that the conviction involves or may involve moral turpitude or other misconduct warranting discipline, and the Office of Chief Trial Counsel's settlement position, including the amount of monetary sanctions being sought and the reasons.
- A party requesting consideration of aggravating or mitigating circumstances, as reflected in Standards 1.5 and 1.6 respectively, should submit all available supporting evidence or a proffer of what such evidence would show. Copies must be lodged with the court with the party's settlement conference statement for consideration at the conference.
- Failure to submit the settlement conference statement and other required documents at least three days before the PSC may result in the PSC being cancelled.
- In order to increase productivity, the court encourages the parties to exchange documents prior to the PSC.

Conduct of the Conference:

- The parties should be prepared to discuss the factual issues as to whether the conviction involved moral turpitude or other conduct warranting discipline, and the potential for the

imposition of discipline.

- The PSC Judge will address settlement of the case, and therefore, the parties should be prepared to discuss settlement positions and should have full settlement authority.
- In camera inspection of documents is permissible. While this may be necessary in some cases, it may lessen the opportunity for settlement.

Conclusion:

- If the parties resolve the matter in a way requiring court approval, the Office of Chief Trial Counsel must document the resolution and submit it to the prefiling settlement judge for approval or rejection. If no settlement is reached, the Office of Chief Trial Counsel may file the certified record of conviction in the Review Department and should advise the opposing counsel when it will be filed.
- More than one PSC may be necessary. Upon request of the parties, the PSC Judge may permit a short continuance – the 14-day period set forth in Rule 5.341 (B)(1) will not apply.
- The PSC Judge will not be the Trial Judge unless both parties consent. The PSC Judge may serve as the Settlement Judge for a settlement conference held after a proceeding has been initiated.