

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

Scheduling:

- Use court-approved form and submit to proper venue by personal delivery, email, or mail. All requests must be on the latest version of the form dated July 1, 2024. Requests on any other form will be returned and accompanied by a request to resubmit the new form.
- Supply multiple dates agreed to by opposing counsel. A Prefiling Settlement Conference may be scheduled more than 15 days from the request if both parties agree to a specific date.
- 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 five 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 its draft Notice of Disciplinary Charges or other written summary of the proposed charges with the settlement conference statement.
- 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 should be served on the court and opposing counsel 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 five days before the PSC may result in the PSC being rescheduled.
- 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 facts, the proposed charges, 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 a settlement is reached, all material terms should be agreed upon at the PSC. If a stipulation is to be filed, it should be directed to the PSC Judge. If the stipulation is not filed by an agreed upon date, the PSC Judge may schedule a continued PSC prior to the filing of the Notice of Disciplinary Charges.
- If no settlement is reached, the Office of Chief Trial Counsel may file a Notice of Disciplinary Charges 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 15 day period set forth in Rule 5.30 (A) 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.