

Cal. R. 3.1380

Rule 3.1380 - Mandatory settlement conferences

(a) Setting conferences

On the court's own motion or at the request of any party, the court may set a one or more mandatory settlement conferences.

(Subd (a) amended effective January 1, 2008; previously amended effective January 1, 1995, and July 1, 2002.)

(b) Persons attending

Trial counsel, parties, and persons with full authority to settle the case must personally attend the conference, unless excused by the court for good cause. If any consent to settle is required for any reason, the party with that consensual authority must be personally present at the conference.

(c) Settlement conference statement

No later than five court days before the initial date set for the settlement conference, each party must submit to the court and serve on each party a mandatory settlement conference statement containing:

- (1) A good faith settlement demand;
- (2) An itemization of economic and noneconomic damages by each plaintiff;
- (3) A good faith offer of settlement by each defendant; and
- (4) A statement identifying and discussing in detail all facts and law pertinent to the issues of liability and damages involved in the case as to that party.

The settlement conference statement must comply with any additional requirement imposed by local rule.

(Subd (c) amended effective January 1, 2008; adopted as subd (d) effective January 1, 1985; previously amended effective January 1, 1995 and January 1, 2007; previously amended and relettered effective July 1, 2002.)

(d) Restrictions on appointments

A court must not:

- (1) Appoint a person to conduct a settlement conference under this rule at the same time as that person is serving as a mediator in the same action; or
 - (2) Appoint a person to conduct a mediation under this rule.
- (Subd (d) adopted effective January 1, 2008.)*

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Rule 3.1380 amended effective 1/1/2008; adopted as rule 222 effective 1/1/1985; previously amended effective 1/1/1995, 7/1/2001, and 7/1/2002; previously amended and renumbered effective 1/1/2007.

Advisory Committee Comment

Subdivision (d) This provision is not intended to discourage settlement conferences or mediations. However, problems have arisen in several cases, such as Jeld-Wen v. Superior Court of San Diego County (2007) 146 Cal.App.4th 536, when distinctions between different ADR processes have been blurred. To prevent confusion about the confidentiality of the proceedings, it is important to clearly distinguish between settlement conferences held under this rule and mediations. The special confidentiality requirements for mediations established by Evidence Code sections 1115-1128 expressly do not apply to settlement conferences under this rule. This provision is not intended to prohibit a court from appointing a person who has previously served as a mediator in a case to conduct a settlement conference in that case following the conclusion of the mediation.
