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Superior Court of California
County of Los Angeles

OCTOBER 1, 2024

David W. Slayton, Executive Officer/Clerk of Court

By: R. Mina, Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

IN RE MEDIATION VOLUNTEER PANEL

GENERAL ORDER

To encourage early resolution of cases and help litigants in unlimited civil cases resolve their disputes quickly, fairly, and economically, the Superior Court of California, County of Los Angeles (Court) has established a court-connected Mediation Volunteer Panel (MVP) under the authority of California Rules of Court, rules 3.835 et seq. As used in this order, mediation means a process in which a neutral person or persons facilitate communication among litigants to assist them in reaching a mutually acceptable agreement. Cases referred to the MVP program will be eligible for three hours of virtual mediation at no cost with a mediator from the MVP.

1. MVP REFERRAL PROCESS.

1.1 Referrals by Judges. A judge assigned to an unlimited civil department may refer a case appropriate for virtual mediation to the MVP at any stage of the proceedings.

1.2 Administration. The Court’s Alternative Dispute Resolution (ADR) Office administers the MVP program and may be contacted at 213-830-0458 or ADRCivil@lacourt.org.

1.3 Notice of Referral to Mediation. When a case is referred to the MVP, the ADR Office will provide a Notice of Referral to Mediation (Notice) to all parties and their attorneys of record. The Notice will direct the parties or their attorneys either to select a mediator or to ask the ADR Office to assign them a mediator. Mediator profiles,

1 including contact information, areas of expertise, and hourly rates¹ are available on
2 the Court's ADR webpage. The mediation session will be conducted virtually unless
3 all parties or the parties' attorneys of record make other arrangements with the
4 mediator.

5 **1.4 Response to Notice of Referral to Mediation.** When a referral is made to the MVP,
6 the plaintiff or plaintiff's counsel must submit an online Response Form to the ADR
7 Office within 15 calendar days of the date on the Notice indicating whether the
8 parties have selected a MVP mediator or request to be assigned a mediator. Parties
9 may forego the MVP and opt for a private ADR provider; however, they must still
10 submit the Response Form to the ADR Office. Parties that opt for private ADR
11 providers will be solely responsible for all ADR fees and arrangements. A link to the
12 Response Form is available on the Court's website at the ADR page.

13 **1.5 Failure to Submit Response to Notice of Referral to Mediation.** If a response to
14 the notice of referral is not timely submitted, an assignment to a member from the
15 MVP will be made by the ADR office.

16 **1.6 Notice of Mediator Assignment.** If the parties select a MVP mediator, the ADR
17 Office will confirm that assignment through a notice of mediator assignment. If the
18 parties request that the ADR Office assign a specific mediator, the ADR Office will
19 assign a MVP mediator based on availability. The ADR Office will provide a Notice
20 of Mediator Assignment to the mediator and the parties in all MVP cases. If a MVP
21 mediator is not available, the ADR Office may refer cases to other no-cost or low-
22 cost mediation resources when necessary (e.g., Mediation Center of Los Angeles, the
23 Civil Mediation Vendor Resource List, etc.).

24 **1.7 Coordination of Mediation Session.** The assigned MVP mediator will communicate
25 mediation details to the parties, including preparation instructions and the date, time,
26 and links to the virtual mediation session. The entire mediation process must be
27 completed by the completion date set by the judge. Parties and attorneys are
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¹ The first three hours of mediation through the MVP are provided at no cost to the parties.

1 responsible for attending the mediation session and ensuring that all persons
2 necessary to resolve the case participate. The parties must notify the mediator of any
3 settlement or cancellation of the mediation session promptly and, in any event, no less
4 than two days before the scheduled mediation. Parties who fail to follow cancellation
5 procedures risk the issuance of an Order to Show Cause and sanctions pursuant to
6 California Rules of Court, rule 3.1385(a).

7 **1.8 Settlement.** If a case is settled or otherwise disposed of, each plaintiff or party
8 seeking affirmative relief must immediately file a Notice of Settlement of Entire Case
9 (Judicial Council Form CM-200) with the Court and serve the Notice on all parties
10 and the assigned MVP mediator (California Rules of Court, rule 3.1385). To request
11 dismissal, parties must file a Request for Dismissal on Judicial Council Form CIV-
12 110.

13 **2. MVP MEDIATOR REQUIREMENTS AND QUALIFICATIONS.**

14 **2.1 Qualifications for Panel Mediators.** The Court has developed qualifications for
15 MVP mediators pursuant to California Rules of Court, rule 10.781. Eligible
16 candidates must meet the following minimum qualifications:

- 17 • Proof of membership in good standing with the State Bar of California.
- 18 • Completion of a minimum of 25 hours of comprehensive and practical mediation
19 training in the areas that meet California's Dispute Resolution Program Act of
20 1986 grantee guidelines (California Code of Regulations, title 16, division 36,
21 article 3, section 3622).
- 22 • Completion of a minimum of two mediations, each at least two hours in length,
23 within the past three years.
- 24 • Commitment to complete at least seven hours of continuing education or training
25 on mediation topics every two years with at least one hour on mediator ethics; and
- 26 • Commitment to prepare for and conduct a minimum of two virtual pro bono
27 mediations, up to three hours in length through the MVP, in a 12-month period.

1 The Court has the discretion to exempt applicants who are currently serving on
2 another court-connected panel, retired judicial officers, or others from specific
3 training and experience requirements, or steps in the formal application process.

4 **2.2 Application for Panel Mediators.** A mediator interested in participating in the MVP
5 must submit an Application for Appointment to the MVP, which is available on the
6 Court's ADR webpage, to the Court's ADR Office. Members of the Court's ADR
7 Quality Assurance Subcommittee will evaluate the education, training, and
8 experience in the MVP applications, review applicant interviews, and select
9 mediators for the MVP.

10 **2.3 Term of Appointment.** Appointment to the MVP shall be for a term of two years.
11 The term may be renewed at the discretion of the Court and with the consent and
12 renewal application of the mediator. Mediators who do not seek to renew their
13 appointment at the expiration of the two-year term or who fail to meet their
14 commitments as set forth in Section 2.1 above will be removed from the MVP roster.

15 **2.4 Volunteer Time and Compensation.** MVP mediators shall volunteer their
16 preparation time and the first three hours of a mediation session. Thereafter, if the
17 parties wish to continue the mediation, the mediator may charge the hourly rate as
18 listed in their MVP profile. The mediator must communicate the terms and conditions
19 of payment to the parties clearly in writing. Any agreement regarding payment is
20 strictly between the parties and the mediator and does not involve the Court. The
21 parties must pay the mediator directly, or the mediator's law firm or employer, as
22 directed by the mediator. The mediation session will continue beyond three hours
23 only if all parties and the mediator agree.

24 **2.5 MVP Orientation.** Mediators selected to serve on the MVP must participate in an
25 orientation hosted by the Court.

26 **2.6 Rules of Conduct for MVP Mediators.** Mediators must comply with the Rules of
27 Conduct for Mediators in Court-Connected Mediation Programs for Civil Cases
28 (California Rules of Court, rules 3.850-3.860). These rules are intended to guide the

1 conduct of mediators in the MVP program, to inform and protect participants in the
2 MVP program, and to promote public confidence in the mediation process and the
3 Court (California Rules of Court, rule 3.850).

4 **2.7 Court Discretion.** The Court has absolute discretion to determine the mediators it
5 will include or remove from the MVP. Inclusion on the Court’s MVP is a privilege
6 that is revocable and confers no vested right to the mediator. (California Rules of
7 Court, rule 10.781(d)).

8 **3. MEDIATOR RECUSAL AND DISQUALIFICATION**

9 **3.1 Definitions.** Mediators assigned to cases through the MVP may withdraw or be
10 disqualified and removed from a case on the grounds and by the procedures set forth
11 below. A “recusal” is a voluntary disqualification or withdrawal by a mediator.
12 “Request for disqualification” is a request by a party that a mediator be disqualified
13 for a specified reason.

14 **3.2 Mediator Recusal.** The mediator must withdraw if one of the parties objects to them
15 following the mediator’s disclosures as required by California Rules of Court, rule
16 3.855, if the mediator becomes aware of a conflict of interest with one of the parties,
17 or if there are circumstances known to the mediator that would call into question their
18 impartiality. The mediator must inform the ADR Office and all parties of their recusal
19 within five days of the Notice of Assignment of Mediator or the discovery of the
20 conflict. The mediator must provide the ADR Office with a clear written explanation
21 for the recusal without disclosing confidential information. The ADR Office will then
22 issue a Notice of Cancellation of Mediator Assignment to the former mediator and the
23 parties and seek to assign a new mediator.

24 **3.3 Request for Disqualification of a Mediator.** If a mediator who should disqualify
25 themselves refuses to do so, any party may submit a written request to the ADR
26 Office to remove the mediator from the case. The party must specify the reason for
27 the disqualification with a proof of service to all parties and the mediator within five
28 days of learning of the potential conflict, or such party shall be deemed to have

1 waived the objection. The ADR Office will issue a Notice of Cancellation of
2 Mediator Assignment to the former mediator and the parties and seek to assign a new
3 mediator.

4 **4. PROCEDURES FOR HANDLING COMPLAINTS ABOUT COURT-PROGRAM**
5 **MEDIATORS IN COURT-CONNECTED MEDIATION PROGRAMS FOR**
6 **GENERAL CIVIL CASES**

7 **4.1 Application.** This rule establishes the Court’s procedure for receiving, investigating,
8 and resolving complaints about MVP mediators for general civil cases, as required by
9 California Rules of Court, rule 3.868. Nothing in this rule should be interpreted in a
10 manner inconsistent with California Rules of Court, rules 3.865-3.872, or as limiting
11 the Court’s authority, in its sole and absolute discretion, to determine who may be
12 included on or removed from its list of mediators or whom the Court may
13 recommend, select, or appoint to the MVP. This rule also does not limit the Court’s
14 authority to follow other procedures or take other actions to ensure the quality of
15 MVP mediators in contexts other than when addressing a complaint. The failure to
16 follow a requirement or procedure in this rule will not invalidate any action the Court
17 takes in addressing a complaint.

18 **4.2 Definitions.** The following definitions apply to this rule:

- 19 (1) ADR Committee. ADR Committee is the Alternative Dispute Resolution (“ADR”)
20 Committee of the Superior Court of Los Angeles County (“court”), whose
21 members are appointed by the Presiding Judge or the Presiding Judge’s designee.
- 22 (2) Chair of the ADR Committee. The chair of the ADR Committee is the judicial
23 officer designated by the Presiding Judge to lead the ADR Committee. The
24 Presiding Judge delegates to the chair of the ADR Committee responsibility for
25 making the final decision about the action to be taken on any complaint against a
26 MVP mediator.
- 27 (3) Complaint. Complaint means a written communication presented to the Court’s
28 complaint coordinator alleging that a MVP mediator engaged in conduct that may

1 violate a provision of the rules of conduct while mediating a court-assigned case.
2 Complaints must be in writing, contain sufficient information about the alleged
3 misconduct by the mediator to enable the Court to investigate it, and include the
4 name and contact information of the complainant.

- 5 (4) Complainant. Complainant means the person who makes or presents a complaint
6 to the Court about a MVP mediator.
- 7 (5) Complaint Committee. The complaint committee is the Quality Assurance
8 subcommittee of the ADR Committee. Members of the subcommittee are
9 appointed by the chair of the ADR Committee. The complaint committee must
10 include at least one individual who has experience as a mediator and is familiar
11 with the rules of conduct.
- 12 (6) Complaint Coordinator. The complaint coordinator is the Court's ADR
13 Administrator, who is designated by the Presiding Judge to receive complaints and
14 inquiries about the conduct of MVP mediators while mediating a court-assigned
15 case.
- 16 (7) Complaint Proceeding. Complaint proceeding means all the activities that take
17 place as part of presenting, receiving, reviewing, responding to, investigating, and
18 acting on any specific inquiry or complaint.
- 19 (8) Court-program Mediator. A court-program mediator means a mediator who has
20 been accepted by the Court for the MVP.
- 21 (9) Inquiry. Inquiry means an unwritten communication presented to the Court's
22 complaint coordinator alleging that a MVP mediator may have violated a provision
23 of the rules of conduct while mediating a court-assigned case.
- 24 (10) Mediation. Mediation means a process in which a neutral person or persons
25 facilitate communication between the disputants to assist them in reaching a
26 mutually acceptable agreement.
- 27 (11) Mediation Communication. Mediation communication means any statement that is
28 made or any writing that is prepared for the purpose of, during, or pursuant to a

1 mediation or a mediation consultation, as defined in Evidence Code section 1115,
2 and includes any communications, negotiations, and settlement discussions among
3 participants during a mediation or a mediation consultation.

4 (12) The Rules of Conduct. The rules of conduct mean the Rules of Conduct for
5 Mediators in Court-Connected Mediation Programs for Civil Cases set out in
6 California Rules of Court, rules 3.850 through 3.860.

7 **4.3 Complaint Processing.** The Court must process complaints promptly at all stages.

8 **4.4 Complaint Files.** The Court should maintain sufficient information about each
9 complaint and its disposition to identify any history or patterns of complaints
10 submitted under these rules.

11 **4.5 Confidentiality.**

12 (1) Preserving the Confidentiality of Mediation Communications. All complaint
13 proceedings will be conducted in a manner that preserves the confidentiality of
14 mediation communications, including but not limited to the confidentiality of any
15 communications among the mediator and individual mediation participants or
16 subgroups of mediation participants.

17 (2) Confidentiality of Complaint Proceedings. All complaint proceedings will occur in
18 private and will be kept as confidential as possible, consistent with the obligation to
19 conduct an effective investigation. No information or records concerning the receipt,
20 investigation, or resolution of an inquiry or a complaint will be open to the public or
21 disclosed outside the course of the complaint proceeding except as provided in
22 California Rules of Court, rule 3.871(d), or as otherwise required by law.

23 **4.6 Submission of Inquiries and Complaints to the Complaint Coordinator.** All
24 inquiries and complaints should be submitted or referred to the complaint
25 coordinator.

26 **4.7 Addressing Inquiries.** Upon receiving an inquiry about the conduct of a MVP
27 mediator, the complaint coordinator must inform the person making the inquiry that
28 the complaint procedure provides that the Court will only investigate complaints

1 made in writing. If the person does not submit a written complaint, the complaint
2 coordinator may prepare a written summary of the inquiry to memorialize it and to
3 determine whether any further action is warranted.

4 **4.8 Acknowledgment and Preliminary Review of Complaints.**

5 (1) Acknowledgment of Complaints. When the complaint coordinator receives a
6 complaint, the coordinator will send the complainant a written acknowledgment that
7 the Court received the complaint.

8 (2) Preliminary Review of Complaints.

9 (A) The complaint coordinator will review each complaint to determine whether it
10 warrants investigation or can be promptly and informally resolved or closed.

11 Among other things, the complaint coordinator may:

12 (i) Contact the complainant to clarify the allegations, obtain additional
13 information, or provide information that may address the complainant's
14 concern.

15 (ii) Communicate with the mediator to obtain the mediator's perspectives on the
16 allegations in the complaint.

17 (B) The complaint coordinator may close a complaint without initiating an
18 investigation if:

19 (i) The complaint is withdrawn by the complainant;

20 (ii) The alleged conduct, even if substantiated, does not violate the rules of
21 conduct;

22 (iii) The conduct alleged, even if substantiated, does not reflect a material
23 violation of the rules of conduct, the coordinator has discussed the
24 complaint with the mediator, and the mediator has provided an acceptable
25 explanation or response; or

26 (iv) The complainant, the mediator, and the complaint coordinator have agreed
27 on a resolution to the complaint.
28

1 (3) Notification of Closure. The complaint coordinator must notify the complainant in
2 writing if the complaint is closed without initiating an investigation.

3 **4.9 Investigations.**

4 (1) Application. The procedures in this rule apply only if a complaint is not resolved or
5 closed through the preliminary review or if the complaint coordinator initiates an
6 investigation under subsection (i)(3) below.

7 (2) Referral of a Complaint for Investigation. If a complaint is not resolved following the
8 preliminary review, the complaint coordinator will refer it to the complaint
9 committee for investigation and provide it with a summary of the preliminary review
10 that includes:

11 (A) A copy or summary of the complaint;

12 (B) A copy or summary of any response from the mediator;

13 (C) A list of the rules of conduct that the mediator may have violated if the
14 allegations of misconduct are substantiated; and

15 (D) Copies of any previous complaints about the mediator and any written summaries
16 of inquiries that are relevant to the current complaint.

17 (3) Initiation by the Complaint Coordinator. The complaint coordinator may initiate an
18 investigation based on information received from any source, including an inquiry,
19 indicating that a mediator may have violated a provision of the rules of conduct. To
20 initiate the investigation, the complaint coordinator must refer the information
21 received to the complaint committee with a list of the rules of conduct that the
22 mediator may have violated if the allegations of misconduct are substantiated.

23 (4) Mediator's Notice and Opportunity to Respond.

24 (A) The complaint committee must provide the mediator with a copy of the materials
25 the complaint coordinator provided to the complaint committee under subsections
26 (i)(2) or (i)(3) above.

27 (B) The mediator will be given an opportunity to respond to the complaint and the list
28 of apparent violations of the rules of conduct.

- 1 (5) Preparing Report and Recommendation. The complaint committee will investigate
2 the complaint as it deems appropriate. Thereafter, the complaint committee will
3 prepare a written report that summarizes its investigation and recommend a final
4 decision on the complaint. The complaint committee may recommend one or more
5 actions that are permissible under California Rules of Court, rule 3.870.
- 6 (6) Informing Mediator of Recommendation. The complaint committee may inform the
7 mediator of its recommendation and inquire whether the mediator accepts it. If the
8 mediator accepts the recommendation, the complaint committee's report must
9 indicate this.
- 10 (7) Submitting Report and Recommendation. The complaint committee must submit its
11 report and recommendation(s) to the chair of the ADR Committee and provide a
12 copy to the complaint coordinator.

13 **4.10 Final Decision on a Complaint That Was Investigated.**

- 14 (1) Responsibility for Final Decision. The chair of the ADR Committee is responsible
15 for making the final decision about the action to be taken on any complaint that was
16 investigated. In the absence or unavailability of the chair, the Presiding Judge will
17 make the final decision on the complaint.
- 18 (2) Acting on Recommendation.
- 19 (A) Within 30 days after the complaint committee's recommendation is forwarded to
20 the chair of the ADR Committee, the chair of the ADR Committee may submit to
21 the complaint coordinator a decision:
- 22 (i) Affirmatively adopting the complaint committee's recommendation as the
23 final decision on the complaint; or
- 24 (ii) Directing a different action that is permissible under California Rules of
25 Court, rule 3.870.
- 26 (B) If the chair of the ADR Committee does not submit a decision within 30 days
27 after the complaint committee's recommendation is forwarded, as provided in
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1 subsection (j)(2)(A) above, the complaint committee's recommendation will
2 become the final decision on the complaint.

3 (3) Notification of Final Action. The complaint coordinator must promptly notify the
4 complainant and the mediator in writing of the final action taken by the Court on the
5 complaint.

6 (4) Authorized Disclosures. After the decision on a complaint, the chair of the ADR
7 Committee may authorize the public disclosure of information or records concerning
8 the complaint proceeding that do not reveal any mediation communications. The
9 disclosures that may be authorized under this subdivision include the name of a
10 mediator against whom action has been taken, the action taken, and the general basis
11 on which the action was taken. In determining whether to authorize the disclosure of
12 information or records under this subdivision, the chair of the ADR Committee
13 should consider the purposes of the confidentiality of complaint proceedings stated in
14 California Rules of Court, rule 3.871.

15 **4.11 Interim Suspension Pending a Final Decision on a Complaint.** If the preliminary
16 review or the investigation indicates that a mediator may pose a threat of harm to
17 mediation participants or to the integrity of the Court's mediation program, the chair
18 of the ADR Committee may suspend the mediator from the Court's mediation
19 volunteer panel pending final decision on the complaint. The complaint coordinator
20 may make a recommendation to the chair of the ADR Committee regarding such a
21 suspension.

22 Effective immediately, this General Order is to remain in effect until otherwise ordered.

23 **IT IS SO ORDERED.**

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26 Dated: October 1, 2024



27 *Samantha P. Jessner*
28 SAMANTHA P. JESSNER
Presiding Judge