

**LIST OF AMENDMENTS TO THE CALIFORNIA RULES OF COURT
AND STANDARDS OF JUDICIAL ADMINISTRATION**

Adopted by the Judicial Council of California on April 15, 2005,
Effective July 1, 2005 and September 20, 2005

Effective July 1, 2005:

Rule 15. Service and filing of briefs.....	2
Rule 38.4. Hearing and decision in the Court of Appeal	2
Rule 38.5. Hearing and decision in the Supreme Court	2
Rule 56. Original proceedings	3
<u>Rule 5.324. Telephone appearance in title IV-D hearings and conferences</u>	3
<u>Rule 1511.5. Electronic submission of documents to Chair of Judicial Council</u>	5
Rule 6.43. Family and Juvenile Law Advisory Committee	6
Rule 7.903. Trusts funded by court order.....	7
Sec. 20.6. Guidelines for determining payment for costs of appointed counsel for children in family court	8
DIVISION V. Guidelines for the operation of family law information centers and family law facilitator offices.....	9
Rule 1640. Purpose and application	15
Rule 1640.1. Exemption from pilot program	15
Rule 1640.2. Cases exempt from mandatory referrals to mediation	15
Rule 1640.3. Panel of mediators	16
Rule 1640.4. Early mediation status conference	16
Rule 1640.5. Status conference statement	16
Rule 1640.6. Selection of mediator	17
Rule 1640.7. Compensation of mediators	17
Rule 1640.8. Filing of statement by mediator	18

Effective September 20, 2005:

Rule 851. Procedures and eligibility criteria for attending traffic violator school.....	13
--	----

Rule 15. Service and filing of briefs

(a) ***

(b) Extensions of time

(1) ***

(2) Before the brief is due, a party may apply to the presiding justice for an extension of each period under (a), or under rule 13~~(b)~~(c)(5) or (6), on a showing that there is good cause and that:

(Subd (b) amended effective July 1, 2005; previously amended effective January 1, 2003.)

(c) ***

Rule 15 amended effective July 1, 2005; repealed and adopted effective January 1, 2002; previously amended effective January 1, 2003, January 1, 2004, and January 1, 2005.

Rule 38.4. Hearing and decision in the Court of Appeal

Except as provided in rules 37–~~38.4~~38.3, rules 22–26 govern hearing and decision in the Court of Appeal in juvenile cases.

Rule 38.4 amended effective July 1, 2005; adopted effective January 1, 2005.

Rule 38.5. Hearing and decision in the Supreme Court

Rules 28–~~28.9~~29.9 govern hearing and decision in the Supreme Court in juvenile cases.

Rule 38.5 amended effective July 1, 2005; adopted effective January 1, 2005.

Rule 56. Original proceedings

(a)–(k) * * *

(l) Costs

- (1) Except in a criminal or juvenile proceeding or other proceeding in which a party is entitled to court-appointed counsel, the prevailing party in an original proceeding is entitled to costs if the court resolves the proceeding by written opinion after issuing an alternative writ, an order to show cause, or a peremptory writ in the first instance.
- (2) In the interests of justice, the court may award or deny costs as it deems proper.
- (3) The opinion or order resolving the proceeding must specify the award or denial of costs.
- (4) Rule 27(b)–(d) governs the procedure for recovering costs under this rule.

(Subd (l) amended effective July 1, 2005.)

Rule 56 amended effective July 1, 2005; repealed and adopted effective January 1, 2005.

Rule 5.324. Telephone appearance in title IV-D hearings and conferences

- (a) [Purpose]** This rule is intended to improve the administration of the high volume of title IV-D child support hearings and conferences. Participation by both parents is needed for fair and accurate child support orders. The opportunity to appear by telephone fosters parental participation.
- (b) [Definition]** “Telephone appearance,” as used in this rule, includes any appearance by telephonic, audiovisual, videoconferencing, digital, or other electronic means.
- (c) [Permissibility of telephone appearances]** Upon request, the court, in its discretion, may permit a telephone appearance in any hearing or conference related to an action for child support when the local child support agency is providing services under title IV-D of the Social Security Act.
- (d) [Exceptions]** A telephone appearance is not permitted for any of the following:

- (1) Contested trials, contempt hearings, orders of examination, and any matters in which the party or witness has been subpoenaed to appear in person; and
- (2) Any hearing or conference for which the court, in its discretion on a case-by-case basis, decides that a personal appearance would materially assist in a determination of the proceeding or in resolution of the case.

(e) [Request for telephone appearance]

- (1) A party, an attorney, a witness, a parent who has not been joined to the action, or a representative of a local child support agency or government agency may request permission of the court to appear and testify by telephone. The court may also, on its own motion, allow a telephone appearance.
- (2) A party, an attorney, a witness, a parent who has not been joined to the action, or a representative of a local child support agency or government agency who wishes to appear by telephone at a hearing must file a request with the court clerk at least 12 court days before the hearing. This request must be served on the other parties, the local child support agency, and attorneys, if any. Service must be by personal delivery, fax, express mail, or other means reasonably calculated to ensure delivery by the close of the next court day.
- (3) The mandatory *Request for Telephone Appearance (Governmental)* (form FL-679) must be filed to request a telephone appearance.

(f) [Opposition to telephone appearance] Any opposition to a request to appear by telephone must be made by declaration under penalty of perjury under the laws of the State of California. It must be filed with the court clerk and served at least 8 court days before the court hearing. Service on the person or agency requesting the telephone appearance, all parties, including the other parent, a parent who has not been joined to the action, the local child support agency, and attorneys, if any, must be accomplished using one of the methods listed in (e)(2).

(g) [Shortening time] The court may shorten the time to file, submit, serve, respond, or comply with any of the procedures specified in this rule.

(h) [Notice by court] At least 5 court days before the hearing, the court must notify the person or agency requesting the telephone appearance, the parties, and attorneys, if any, of its decision. The court may direct the court clerk, the

court-approved vendor, the local child support agency, a party, or an attorney to provide the notification. This notice may be given in person or by telephone, fax, express mail, e-mail, or other means reasonably calculated to ensure notification no later than 5 court days before the hearing date.

- (i) [Need for personal appearance]** If, at any time during the hearing, the court determines that a personal appearance is necessary, the court may continue the matter and require a personal appearance.
- (j) [Vendors, procedure, audibility, reporting, and information]** Subdivisions (f) through (j) of rule 298 apply to telephone appearances under this rule.
- (k) [Technical equipment]** Courts that lack the technical equipment to implement telephone appearances are exempt from the rule.

Rule 5.324 adopted effective July 1, 2005.

Rule 1511.5. Electronic submission of documents to Chair of Judicial Council

- (a) [Documents that may be submitted electronically]** Any paper listed in rule 1511(a) may be submitted electronically to coordination@jud.ca.gov.
- (b) [Responsibilities of party submitting documents electronically]** A party submitting a document electronically must:

 - (1) Take all reasonable steps to ensure that the submission does not contain computer code, including viruses, that might be harmful to the Judicial Council's electronic system and to other users of that system; and
 - (2) Furnish one or more electronic notification addresses and immediately provide any change to his or her electronic notification addresses.
- (c) [Format of documents to be submitted electronically]** A document that is submitted electronically must meet the following requirements:

 - (1) The software for creating and reading the document must be in the public domain or generally available at a reasonable cost; and
 - (2) The printing of documents must not result in the loss of document text, format, or appearance.
- (d) [Signature on documents under penalty of perjury]**

- (1) When a document to be submitted electronically requires a signature under penalty of perjury, the document is deemed signed by the declarant if, before submission, the declarant has signed a printed form of the document.
- (2) By electronically submitting the document, the party submitting it indicates that he or she has complied with subdivision (d)(1) of this rule and that the original, signed document is available for review and copying at the request of the court or any party.
- (3) At any time after the document is submitted, any other party may serve a demand for production of the original signed document. The demand must be served on all other parties but need not be filed with the court.
- (4) Within five days of service of the demand, the party on whom the demand is made must make the original signed document available for review and copying by all other parties.
- (e) **[Signature on documents not under penalty of perjury]** If a document does not require a signature under penalty of perjury, the document is deemed signed by the party if the document is submitted electronically.
- (f) **[Digital signature]** A party is not required to use a digital signature on an electronically submitted document.

Rule 1511.5 adopted effective July 1, 2005.

Rule 6.43. Family and Juvenile Law Advisory Committee

- (a) ***
- (b) **[Membership]** The committee shall include at least one member from each of the following categories:
 - (1) Appellate court justice;
 - (2) Trial court judicial officer;
 - (3) Judicial administrator;
 - (4) Child custody mediator;

- (5) Lawyer whose primary practice area is family law;
- (6) Lawyer from a public or private defender's office whose primary practice area is juvenile law;
- (7) Chief probation officer;
- (8) Child welfare director;
- (9) Court-Appointed Special Advocate (CASA) director;
- (10) County counsel assigned to juvenile dependency cases;
- (11) Domestic violence prevention advocate;
- (12) District attorney assigned to juvenile delinquency cases;
- (13) ~~District attorney assigned to child support cases;~~ Lawyer from the California Department of Child Support Services or a local child support agency; and
- (14) Public-interest children's rights lawyer.

(Subd (b) amended effective July 1, 2005.)

Rule 6.43 amended effective July 1, 2005; adopted effective January 1, 1999.

Rule 7.903. Trusts funded by court order

(a)–(b) ***

(c) [Required provisions in trust instruments] Except as provided in (d), unless the court otherwise orders for good cause shown, trust instruments for trusts funded by court order must:

- (1) Not contain “no-contest” provisions;
- (2) Prohibit modification or revocation without court approval;
- (3) Clearly identify the trustee and any other person with authority to direct the trustee to make disbursements;
- (4) Prohibit investments by the trustee other than those permitted under Probate Code section 2574;

- (5) Require persons identified in (3) to post bond in the amount required under Probate Code section 2320 et seq.;
- (6) Require the trustee to file accounts and reports for court approval in the manner and frequency required by Probate Code sections 1060 et seq. and ~~2320~~ 2620 et seq.;
- (7) Require court approval of changes in trustees and a court order appointing any successor trustee;
- (8) Require compensation of the trustee, the members of any advisory committee, or the attorney for the trustee, to be in just and reasonable amounts that must be fixed and allowed by the court. The instrument may provide for periodic payments of compensation on account, subject to the requirements of Probate Code section 2643 and rule 7.755.

(Subd (c) amended effective July 1, 2005.)

(d) ***

Rule 7.903 amended effective July 1, 2005; adopted effective January 1, 2005.

Sec. 20.6. Guidelines for determining payment for costs of appointed counsel for children in family court

(a)–(d) ***

- (e) [Payment of attorney]** If the court finds the parties are unable to pay all or a portion of the cost of appointed counsel, ~~pursuant to~~ under Family Code section 3153 it ~~shall order the county to~~ must pay the portion the parties are unable to pay. The order may provide for progress or installment payments.

(Subd (e) amended effective July 1, 2005; previously amended effective January 1, 2005.)

Section 20.6 amended effective July 1, 2005; adopted effective January 1, 1992; previously amended effective January 1, 2005.

DIVISION V. Guidelines for the operation of family law information centers and family law facilitator offices

Division V amended effective July 1, 2005; adopted effective January 1, 2002. Former Division V, Age Increase Factor Table, repealed effective January 1, 1999.

- (1) (*Independence and integrity*) An attorney and other staff working in a family law information center or family law facilitator office should, at all times, uphold the independence and integrity of the center or office in conjunction with its role within the court and the legal system.
- (2) (*Role as representative of the court*) An attorney and other staff working in a family law information center or family law facilitator office should recognize that they are representatives of the court and, as such, should avoid all acts of impropriety and the appearance of impropriety at all times.
- (3) (*Impartiality and diligence*) An attorney working in a family law information center or family law facilitator office should perform his or her duties impartially and diligently. Impartiality means delivering services to all eligible litigants in a neutral manner. Diligence requires that the attorney provide the litigants with pertinent information to allow them to bring their matter before the court. This may include appropriate referrals to other resources as well as direct information and assistance at the center or office. The attorney should require similar conduct of all personnel.
- (4) (*Respect and patience*) An attorney working in a family law information center or family law facilitator office should be aware of the social and economic differences that exist among litigants and maintain patience with and respect for the litigants who seek the services of the center or office. The attorney should require similar conduct of all personnel. However, if a litigant becomes unruly or disruptive, the attorney may ask the litigant to leave the center or office.
- (5) (*Bias and prejudice*) An attorney working in a family law information center or family law facilitator office should assist the litigants who seek assistance without exhibiting bias or prejudice based on race, sex, religion, national origin, disability, age, sexual orientation, socioeconomic status, or other similar factors, and should require similar conduct of all personnel.
- (6) (*Competent legal information*) An attorney working in a family law information center or family law facilitator office and his or her staff should

provide the litigants who seek assistance with procedural and legal information and education so that the litigants will have increased access to the court. Family law information centers and family law facilitator offices are not intended to replace private counsel.

- (7) (*Full notification of limits of service*) An attorney working in a family law information center or family law facilitator office should ensure that conspicuous notice is given, as set forth in Family Code section ~~15010(g)~~ or ~~Family Code section 10013~~, respectively, that no attorney-client relationship exists between the center or office, or its staff, and the family law litigant. The notice should include the advice that the absence of an attorney-client relationship means that communications between the party and the family law information center or family law facilitator office are not privileged and that the services may be provided to the other party. Additionally, the family law information center must use Judicial Council form ~~FL-9451294.5~~, *Family Law Information Center Disclosure*, or provide similar notice of the warnings set forth in ~~Family Code section 15010(i)~~. The family law facilitator office must use Judicial Council form ~~FL-9401294~~, *Office of the Family Law Facilitator Disclosure*, or provide similar notice of the warnings set forth in Family Code section 10015.
- (8) (*Public comment*) An attorney working in a family law information center or family law facilitator office and his or her staff must at all times comply with ~~Family Code section 15010(h)~~ or Family Code section 10014, respectively, and must not make any public comment about the litigants or about any pending or impending matter in the court.
- (9) (*Gifts or payments*) An attorney working in a family law information center or family law facilitator office and his or her staff should not accept any gifts, favors, bequests, or loans from the litigants whom they assist, since this may give the appearance of impropriety or partiality—except for nominal gifts such as baked goods, as allowed by local rules.
- (10) (*Communications with bench officers*) An attorney working in a family law information center or family law facilitator office and his or her staff should avoid all ex parte communications with a bench officer, except as provided in accordance with Family Code section 10005. In addition, an attorney should avoid all communications with a bench officer in which he or she offers an opinion on how the bench officer should rule on a pending case. Communications about purely procedural matters or the functioning of the court are allowed and encouraged.

- (11) (*Communications with represented litigants*) An attorney working in a family law information center or family law facilitator office and his or her staff should not assist a litigant who is represented by an attorney unless the litigant’s attorney consents or the court has referred the litigant for assistance.

Advisory Committee Comments

Discussion

These guidelines are promulgated as directed by former Family Code section 15010(f). They are intended to guide the attorneys providing assistance in family law information centers ~~created by Family Code sections 15000–15012~~ and family law facilitator offices created by Family Code sections 10000–10015.

These guidelines are not intended to be exclusive. Attorneys who work in the family law information centers and family law facilitator offices are also bound by the State Bar Act, the Rules of Professional Conduct, local and state court employee rules, and relevant opinions of the California courts to the extent that they apply.

The authorities that govern attorney conduct in California apply to all California attorneys regardless of the capacity in which they are acting in a particular matter. (*Libarian v. State Bar* 25 Cal.2d. 314 (1944).) “Permission” not to comply with these authorities may not be given by the State Bar. (*Sheffield v. State Bar* 22 Cal.2d. 627 (1943).)

Thus, California attorneys, regardless of the capacity in which they are performing in a particular matter, must conform their conduct to the governing California authorities. However, because the disciplinary authorities are activity-specific, not all authorities apply in all instances. For example, a transactional attorney who never appears in court is not likely to be at risk of violating the rules that govern court appearances. The transactional attorney is not immune from those rules; the nature of his or her practice simply minimizes the impact of those rules upon the services he or she performs. Thus, although center and facilitator attorneys will not be immune from the governing authorities, certain rules and requirements will apply more directly to the nature of the services being provided than will others.

Just as the Rules of Professional Conduct are activity-specific in general professional practice, so are center and facilitator office attorneys. Although the Rules of Professional Conduct and related authorities will apply generally, and will apply directly when the attorney is representing clients in an attorney-client relationship, they will not directly be invoked when a center or facilitator attorney provides assistance to a nonclient in a court-based program that does not, by definition, represent “clients.”

To the extent that the above-mentioned Family Code sections establish by law that there is no attorney-client relationship or privilege for services provided by a family law information center or family law facilitator office, the Rules of Professional Conduct that specifically address the attorney-client relationship and the conduct of that relationship would not be invoked if the attorney were providing services within the scope of those sections. However, the Rules of Professional Conduct would govern attorneys employed by centers or facilitator offices who also continued to maintain a law practice and worked with actual clients in an attorney-client relationship.

Although center and facilitator office attorneys are not exempt from the Rules of Professional Conduct, the employing court may promulgate guidelines for the services provided by a center or facilitator office that are more applicable to the center or office than are some of the Rules of Professional Conduct, however, any such restrictions must still be fully consistent with the Rules of Professional Conduct. The principles set forth in the California Code of Judicial Ethics are often more applicable to the centers and facilitator offices and are consistent with the Rules of Professional Conduct. Those principles form the basis for the guidelines contained in these standards. The court may enforce these guidelines through its employee disciplinary process for court employees. Following are the areas of the Rules of Professional Conduct where these guidelines provide standards that are more applicable to the role of the family law information center or family law facilitator office as an entity of the court.

Rule 2-100 (Communication With a Represented Party)—see proposed guideline 11 (Communication with represented litigants).

Rule 2-400 (Prohibited Discriminatory Conduct in a Law Practice)—see proposed guideline 5 (Bias and prejudice);

Rule 3-110 (Failing to Act Competently)—see proposed guidelines 3 (Impartiality and diligence) and 6 (Competent legal information);

Rule 3-120 (Sexual Relations With Client)—see proposed guideline 2 (Role as representative of the court);

Rule 3-200 (Prohibited Objectives of Employment)—see proposed guideline 2 (Role as representative of the court);

Rule 3-210 (Advising the Violation of Law)—see proposed guideline 2 (Role as representative of the court);

Rule 3-320 (Relationship With Other Party's Lawyer)—see proposed guideline 2 (Role as representative of the court);

Rule 4-300 (Purchasing Property at a Foreclosure or a Sale Subject to Judicial Review)—see proposed guideline 2 (Role as representative of the court);

Rule 4-400 (Gifts From Client)—see proposed guideline 9 (Gifts or payments);

Rule 5-120 (Trial Publicity)—see proposed guideline 8 (Public comment);

Rule 5-220 (Suppression of Evidence)—see proposed guideline 2 (Role as representative of the court);

Rule 5-300 (Contact With Officials)—see proposed guideline 10 (Communications with bench officers);

Rule 5-310 (Prohibited Contact With Witnesses)—see proposed guideline 2 (Role as representative of the court); and

Rule 5-320 (Contact With Jurors)—see proposed guideline 2 (Role as representative of the court).

Rule 851. Procedures and eligibility criteria for attending traffic violator school

(a) ***

(b) [Authority of a court clerk to grant pretrial diversion]

- (1) (*Eligible offenses*) Except as provided in subdivision (2), a court clerk is authorized to grant a request to attend traffic violator school when a defendant with a valid driver's license requests to attend an 8-hour traffic violator school as pretrial diversion under Vehicle Code sections 41501(b) and 42005 for any infraction under divisions 11 and 12 (rules of the road and equipment violations) of the Vehicle Code if the violation is reportable to the Department of Motor Vehicles.
- (2) (*Ineligible offenses*) A court clerk is not authorized to grant a request to attend traffic violator school for a misdemeanor or any of the following infractions:
 - (A) A violation that carries a negligent operator point count of more than one point under Vehicle Code section 12810 or more than one and one-half points under Vehicle Code section 12810.5(b)(2);
 - (B) A violation that occurs within 18 months after the date of a previous violation and the defendant either attended or elected to attend a traffic violator school for the previous violation (Veh. Code, §1808.7);
 - (C) A violation of Vehicle Code section 22406.5 (tank vehicles);
 - (D) A violation related to alcohol use or possession or drug use or possession;
 - (E) A violation on which the defendant failed to appear under Vehicle Code section 40508(a) unless the failure-to-appear charge has been adjudicated and any fine imposed has been paid;
 - (F) A violation on which the defendant has failed to appear under Penal Code section 1214.1 unless the civil monetary assessment has been paid;
 - (G) A speeding violation in which the speed alleged is more than 25 miles over a speed limit as set forth in Chapter 7 (commencing with section 22348) of Division 11 of the Vehicle Code;

(H) A violation that occurs in a commercial vehicle as defined in Vehicle Code section 15210(b); and

(I) A violation by a defendant having a class A, class B, or commercial class C driver's license.

(Subd (b) amended effective September 20, 2005; previously amended effective January 1, 2003.)

(c) [Judicial discretion]

- (1) A judicial officer may in his or her discretion order attendance at a traffic violator school in an individual case for diversion under Vehicle Code section 41501(a), 41501(b), or 42005; sentencing; or any other purpose permitted by law. A violation by a defendant having a class A, class B, or commercial class C driver's license or that occurs in a commercial vehicle, as defined in Vehicle Code section 15210(b), is not eligible for diversion pursuant to Vehicle Code sections 41501 or 42005.
- (2) If a violation occurs within 18 months of a previous violation, a judicial officer may order a continuance and dismissal in consideration for completion of a licensed program as specified in Vehicle Code section 41501(a). The program must consist of at least 12 hours of instruction as specified in section 41501(a). Pursuant to Vehicle Code section 1808.7, a dismissal for completion of the 12-hour program under this subdivision is not confidential.

(Subd (c) amended effective September 20, 2005; amended and relettered as part of subd (b) effective January 1, 2003; previously amended effective January 1, 1998.)

Rule 851 amended effective September 20, 2005; adopted effective January 1, 1997; previously amended effective January 1, 1998, July 1, 2001, and January 1, 2003.

~~CHAPTER 6. Mediation Pilot Program Rules~~

~~Rule 1640. Purpose and application~~

~~The rules in this chapter implement title 11.5, commencing with section 1730, of part 3 of the Code of Civil Procedure, relating to mediation pilot programs and, as provided in section 1730, apply only to the pilot program courts selected by the Judicial Council.~~

Rule 1640 repealed effective July 1, 2005; adopted effective January 1, 2000.

~~Rule 1640.1. Exemption from pilot program~~

~~The following types of actions are exempt from the mediation pilot programs under Code of Civil Procedure section 1730 et seq.:~~

- ~~(1) — Class actions,~~
- ~~(2) — Small claims actions,~~
- ~~(3) — Unlawful detainer actions, and~~
- ~~(4) — Actions subject to arbitration pursuant to subsection (d) of Code of Civil Procedure section 1141.11.~~

Rule 1640.1 repealed effective July 1, 2005; adopted effective January 1, 2000.

~~Rule 1640.2. Cases exempt from mandatory referrals to mediation~~

~~The following cases are exempt from mandatory referral to mediation under Code of Civil Procedure section 1730 et seq. and these rules:~~

- ~~(1) — Any case that has previously been ordered to mediation pursuant to Code of Civil Procedure section 1730 et seq.~~
- ~~(2) — Any case in which the parties file a joint statement certifying that all parties have previously participated in a voluntary mediation.~~
- ~~(3) — Any case in which a stipulation by all parties to participate in a mediation is filed at or before the early status conference.~~

Rule 1640.2 repealed effective July 1, 2005; adopted effective January 1, 2000.

Rule 1640.3. Panel of mediators

- ~~(a) Each pilot program court shall maintain a panel of mediators.~~
- ~~(b) Each court, in consultation with local ADR providers and bar associations, shall establish the minimum qualifications required for a mediator to be included on the court's panel, including training and experience requirements. In developing these minimum requirements, the court shall take into consideration section 33 of the Standards of Judicial Administration and section 3622 of title 16, California Code of Regulations, relating to the Dispute Resolution Programs Act. The required qualifications shall not include membership in the State Bar or a local bar association.~~
- ~~(c) Each court shall adopt ethical standards applicable to the mediators on the court's panel. These ethical standards shall include, but not be limited to, provisions addressing mediator disclosure, impartiality and avoidance of bias or the appearance of bias, both during and after the mediation.~~
- ~~(d) In courts authorized to make voluntary referrals to mediation, as a condition for inclusion on the court's panel, each court shall require that mediators agree to serve on a pro bono or reduced fee basis in at least one case per year, if requested by the court.~~

Rule 1640.3 repealed effective July 1, 2005; adopted effective January 1, 2000.

Rule 1640.4. Early mediation status conference

- ~~(a) A pilot program court may hold an early mediation status conference, as provided in Code of Civil Procedure section 1734.~~
- ~~(b) A pilot program court may provide by local rule for the cancellation or continuation of the early mediation status conference if the parties file a stipulation to participate in mediation or another ADR process.~~

Rule 1640.4 repealed effective July 1, 2005; adopted effective January 1, 2000.

Rule 1640.5. Status conference statement

- ~~(a) In the two pilot program courts selected to make mandatory referrals to mediation, the court shall require, by local rule, that, prior to the status conference, the parties serve and file an early mediation status conference statement. This statement shall include:
 - ~~(1) A discussion of the appropriateness of the case for referral to mediation; and~~
 - ~~(2) A list of three nominees to serve as mediator.~~~~

- ~~(b) In the other pilot program courts, the court may provide for a status conference statement by local rule.~~

Rule 1640.5 repealed effective July 1, 2005; adopted effective January 1, 2000.

Rule 1640.6. Selection of mediator

- ~~(a) Within 15 days of filing a stipulation to participate in mediation or of being ordered to mediation by the court, the parties shall select a mediator and provide the court with written notice of the name, address, and telephone number of the mediator selected. The mediator selected by the parties need not be from the panel of mediators maintained by the court under rule 1640.3.~~
- ~~(b) In the two pilot program courts selected to make mandatory referrals to mediation, if the parties do not select a mediator within the time period specified in subdivision (a) above, then no later than 20 days after the stipulation to mediation is filed or the case is ordered to mediation by the court, the court shall select a mediator from the panel of mediators provided for in rule 1640.3.~~
- ~~(c) In the pilot program courts that are not authorized to make mandatory referrals to mediation, the court shall provide by local rule for the mediator selection procedure to be followed if the parties do not select a mediator within the time period specified in subdivision (a) above.~~

Rule 1640.6 repealed effective July 1, 2005; adopted effective January 1, 2000.

Rule 1640.7. Compensation of mediators

- ~~(a) In the two pilot program courts selected to make mandatory referrals to mediation:~~
- ~~(1) The court shall provide for the compensation of mediators on its panel of mediators who provide mediation services in the pilot program. Parties ordered to mediation pursuant to Code of Civil Procedure section 1730 et seq. shall not be required to pay a fee for the services of a mediator on the court's panel of mediators.~~
 - ~~(2) Unless the court specifically approves court compensation for a mediator who is not on the court's panel of mediators, the parties shall be responsible for any fees for such mediator's services. The court shall, by local rule, establish a procedure for parties to submit requests for court compensation of mediators who are not on the court's panel but who were selected by the parties to provide mediation services in cases ordered to mediation under Code of Civil Procedure section 1730 et seq. The rate of compensation paid to mediators who are not on the court's panel shall not be higher than the rate paid to mediators on the court's panel. The court may provide by local rule for a maximum amount of fees that it will pay to mediators who are not on the court's panel.~~

~~(b) In the other pilot program courts, unless otherwise provided by local rule, the parties shall be responsible for paying any fees for the mediator's services.~~

Rule 1640.7 repealed effective July 1, 2005; adopted effective January 1, 2000.

Rule 1640.8. Filing of statement by mediator

~~Within 10 days of the conclusion of the mediation, the mediator shall file a statement on Judicial Council Form ADR-100, advising the court whether the mediation ended in full agreement, partial agreement, or nonagreement.~~

Rule 1640.8 repealed effective July 1, 2005; adopted effective January 1, 2000.