



The State Bar Court *of California*

HON. CATHERINE D. PURCELL
PRESIDING JUDGE
HON. YVETTE D. ROLAND
SUPERVISING HEARING JUDGE

GENERAL NOTICE AND FAQs

Effective April 17, 2020 and Until Further Notice

The State Bar Court continues to closely monitor the COVID-19 pandemic, and has issued several orders and notices in response to the evolving situation.

Orders and notices are available on the State Bar Court's current notices page, <http://www.statebarcourt.ca.gov/Current-Notices>. This page is continually updated and the court encourages those who have business with the State Bar Court to periodically check this webpage for further information and to see if there are changes to the court's operations.

Issued Orders (updated):

- [General Order 20-05](#) Order Rescinding General Order 20-04
- [General Order 20-04](#) Electronic Service (effective April 3, 2020 – April 17, 2020). See also Interim Rule of Procedure 5.26.1 re Electronic Service, effective April 16, 2020.
- [General Order 20-03](#) Electronic Signatures
- [Hearing Department General Order 20-23](#) Abatement due to COVID-19, March 17, 2020 Through May 11, 2020
- [General Order 20-01](#) State Bar Court Business Related to State Bar Facilities Closure
- [General Order 20-02](#) Electronic Submissions
- [Hearing Department General Order 20-22](#) Abatement due to COVID-19, March 17, 2020 Through April 13, 2020

Frequently Asked Questions Regarding the State Bar Court's Recently Issued Orders (Please see changes and updates to # 6, 7, and 8):

Question 1: Hearing Department General Order 20-23 states that the court is abating each Hearing Department case where a court event is scheduled from March 17, 2020 through May 11, 2020. Does a party still need to meet a filing due date or deadline in connection with a case that is abated?

Answer 1: No, unless the court orders otherwise. Rule 5.50(A) of the Rules of Procedure of the State Bar provides that “[a]batement stays the proceeding in the State Bar Court and tolls [pauses] all time limitations in the proceeding, but the Court may grant a motion for perpetuation of evidence.” Therefore, abatement of a proceeding **stays** the matter, including the previously ordered deadlines and/or due dates. All time limitations are tolled and the deadline for the submission of documents in the matter is **stayed**, unless the court orders otherwise.

Question 2: If the opposing party submits a pleading or other document for filing during the abatement period, do I have to respond within the timeframe set forth in the applicable Rules of Procedure?

Answer 2: No, unless the court orders otherwise. If a party submits a pleading during the abatement period, the opposing party does not need to respond to the pleading until the abatement is terminated, unless the court modifies its abatement order in that case and orders a party to file a response to the pleading. Once the abatement is terminated, the opposing party will have the same number of days to file a response to the pleading as the party would have had if the proceeding had not been abated, unless otherwise ordered by the court.

Question 3: I was scheduled to attend a voluntary settlement conference on March 26, 2020, which was vacated. Do I still need to file the settlement conference statement at this time?

Answer 3: No. Due to Hearing Department General Order 20-22, if a voluntary settlement conference was scheduled for March 26, 2020, the settlement conference statement would have been due on March 21, 2020. (Rules Proc. of State Bar, rule 5.52.5 [each party shall lodge with the court a settlement conference statement at least five days before a scheduled settlement conference].) The settlement conference statement is no longer due on March 21st. Both will be rescheduled pursuant to court order.

Question 4: A pretrial conference is on calendar for May 15, 2020 and the pretrial statement is due no later than May 5, 2020. Is that pretrial statement still due on May 5th?

Answer 4: Yes. This case does not have a court event between March 17, 2020 and May 11, 2020, and is therefore not abated. Unless the court orders otherwise, the parties must file and serve pretrial statements at least 10 days before the pretrial conference. (Rules Proc. of State Bar, rule 5.101(B).) See General Order 20-02 regarding electronic submission.

Question 5: I have a case where the settlement conference falls within the abatement period, but the trial is on calendar shortly outside of the abatement period. Does this mean that trial

dates will ultimately be continued because the settlement conference will have to be rescheduled?

Answer 5: If any court event falls within the abatement period, the entire case is abated and all court events in that case are vacated. Therefore, the trial will be vacated and the entire case is abated, meaning all due dates or deadlines are stayed. The trial date and all due dates or deadlines will be rescheduled once abatement is terminated.

Updated Question 6: I had an Early Neutral Evaluation Conference (ENEC) or a Voluntary Settlement Conference (VSC) scheduled that was vacated pursuant to Hearing Department General Order 20-23. Is the court intending to hold ENECs or VSCs remotely?

Updated Answer 6: The court is scheduling remote conferences for some State Bar Court proceedings, including ENECs, VSCs, and Alternative Discipline Program proceedings. Parties will be provided with notice from the court in a particular case. Parties should continue their efforts to settle the matter on their own.

Updated Question 7: Can a party serve an opposing party electronically?

Updated Answer 7: Yes. Interim Rule of Procedure 5.26.1, effective April 16, 2020, permits electronic service.¹ General Order 20-02 provides for the electronic submission of pleadings and settlement-related documents to the State Bar Court via email while the State Bar buildings are closed to the public. This is not the equivalent of electronic filing or “e-filing.”

Question 8: Do parties still need to mail the hard copy pleading with original signature to the State Bar Court if they submitted it by email?

Updated Answer 8: No. Pursuant to General Order 20-02, the State Bar Court will accept electronic submission of pleadings and Early Neutral Evaluation Conference and settlement-related documents that are submitted with an original signature and otherwise satisfy the requirements of State Bar Court Rules of Practice, rule 1110. The court will not provide a conformed copy of the document when filed. Prior to April 1, 2020, a party may use their “sent” email with the attached pleading or other document as documentation of the submission. Effective April 1, 2020, the court will send an email to the submitting party confirming that the document has been filed. The email confirmation shall serve as documentation of the filing.

Question 9: Can the Office of Chief Trial Counsel (OCTC) submit trial exhibits through interoffice mail?

Answer 9: Yes.

¹ Interim Rule of Procedure 5.26.1 is available at <http://www.calbar.ca.gov/Portals/0/documents/rules/Resolutions-Regarding-Emergency-Rule-Changes-As-Approved-By-The-Board-of-Trustees.pdf>

Question 10: Will Hearing Department General Order 20-22 or Hearing Department General Order 20-23 affect my case that is pending in the Review Department?

Answer 10: No. Matters pending in the Review Department are not currently abated unless otherwise ordered by the Review Department. The Review Department will continue to handle all matters pending in the Review Department, unless otherwise ordered.

Question 11: Can a party submit a request for certified records electronically?

Answer 11: Yes. Until further notice, requests for certified copies of discipline documents may be requested by email at SBCDisciplineCopies@calbar.ca.gov, and the \$25 certification fee is waived. A request should include the case number and the specific document(s) requested. Requested documents will be sent to the requester by email.

Question 12: If I send a pleading or other document to the court by email after the court's business hours that complies with General Order 20-02 and meets the requirements for filing, when will it be filed?

Answer 12: The court's business hours are 8:45 a.m. to 5:00 p.m., Monday through Friday, excluding holidays. Any submission received after 5:00 p.m. will be filed on the next court day. For example, if the court receives a pleading by email at 5:30 p.m. on a Friday, it will be filed the following Monday unless that Monday is a holiday. If that Monday is a holiday, it will be filed the following court day (Tuesday).

Question 13: I need to submit a motion to disqualify a judge, but rule 5.46(H) requires that a judge be personally served, or that the motion be served on the judge's court specialist if the judge is present in the State Bar's office or in chambers. Is personal service required while the State Bar is closed to the public?

Answer 13: No. While the State Bar is closed to the public, judges of the State Bar Court are waiving personal service of motions to disqualify. A party may serve a judge with a motion to disqualify a judge by emailing the motion to the judge's courtroom email address.