



The State Bar Court *of California*

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

GENERAL NOTICE AND FAQs

Effective March 19, 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:

- [Hearing Department General Order 20-22](#) Abatement due to COVID-19, March 17, 2020 Through April 13, 2020
- [General Order 20-01](#) State Bar Court Business Related to State Bar Facilities Closure
- [General Order 20-02](#) Electronic Submissions

Frequently Asked Questions Regarding the State Bar Court's Recently Issued Orders:

Question 1: Hearing Department General Order 20-22 states that the court is abating each Hearing Department case where a court event is scheduled from March 17, 2020 through April 13, 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 21. Both will be rescheduled pursuant to court order.

Question 4: A pretrial conference is on calendar for April 16, 2020, and the pretrial statement is due no later than April 6, 2020. Is that pretrial statement still due on April 6?

Answer 4: Yes. This matter does not have a court event between March 17, 2020 and April 13, 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: It will depend on the trial date. The settlement conference may be rescheduled for

a date after the State Bar's offices reopen but which is before the trial date. In the alternative, a party can request a continuance of the settlement conference and the trial date from the assigned judge.

Question 6: I had an Early Neutral Evaluation Conference (or a Voluntary Settlement Conference) scheduled that was vacated pursuant to Hearing Department General Order 20-22. Can I request that it be rescheduled and occur by Skype or telephone between March 17, 2020 and April 13, 2020?

Answer 6: No. Per Hearing Department General Order 20-22, all court events from March 17, 2020 through April 13, 2020, are vacated. Skype or telephone appearances will not be held during this timeframe. However, parties should continue their efforts to settle the matter on their own.

Question 7: Can parties agree to electronic service of pleadings?

Answer 7: No. Rules 5.26 and 5.27 of the Rules of Procedure of the State Bar continue to provide requirements for service. 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?

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 be providing a conformed copy of the document when filed.

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

Answer 9: Yes.

Question 10: Will Hearing Department General Order 20-22 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.