


**FILED**

MAR 02 2021

Clerk of the Court  
Superior Court of CA County of Santa Clara  
BY  DEPUTY  
**David K. Walker**

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SANTA CLARA**

**ORDER REGARDING EARLY CIVIL MANDATORY SETTLEMENT CONFERENCES**

This Court HEREBY FINDS AND ORDERS AS FOLLOWS:

1. Since March 4, 2020, the State of California has been in a State of Emergency as a result of the COVID-19 pandemic. The Governor and the County of Santa Clara Public Health Officer have issued several orders to help combat the spread of the virus, including orders to shelter in place, maintain social distancing, and restrict operation of essential businesses.
2. The COVID-19 pandemic has significantly altered the way the Court does business. Although the Court was open to provide access to justice for our County's citizens in a safe and socially distanced manner from the first day the County's first shelter in place order was effective, the Court was forced to continue Civil trials for a period of several months in 2020.
3. Additionally, due to fiscal effects of the pandemic, and resulting budget cuts, the Court has a reduced staff, including in the number of available courtroom clerks necessary to conduct trials, which limits the number of courtrooms available for Civil trials, and requires that the Civil courtrooms remain mostly closed on Fridays.
4. Likewise, to safely hold trials at the Downtown Superior and Old Courthouse, protective measures such as Plexiglas barriers were required to be installed, which further delayed conducting trials.

1 5. In order to protect potential jurors, a new jury selection process and other protective measures  
2 have been implemented, including maximum occupancy limitations, which constrain the  
3 number of Civil jury trials the Court can safely conduct each week.

4 6. California Rules of Court, Rule 3.1380 clearly states that upon the Court's own motion or at  
5 the request of any party, the Court may set one or more mandatory settlement conferences.

6 7. In order to resolve cases for which trials have been delayed due to the pandemic, and to  
7 comply with the Court's duties under the Trial Delay Reduction Act, the Court finds that it  
8 is in the best interest of the Court, and its attorneys and litigants, to expand the Court's  
9 mandatory settlement conference program beyond that contemplated under Local Civil Rule  
10 9A.

11 8. The Court therefore hereby orders that:

12 a. Upon request of a party, or the Court's own motion, a case may be sent to a mandatory  
13 settlement conference prior to trial. Should the case not settle at this early mandatory  
14 settlement conference, the mandatory settlement conference the week before trial will  
15 still proceed, pursuant to Local Civil Rule 9.

16 b. These mandatory settlement conferences will be conducted by experienced settlement  
17 attorneys pursuant to California Rule of Court 2.812(3)(D), and will not be performing a  
18 judicial function requiring use of a certified temporary judge.

19 c. The list of settlement attorneys available to conduct a mandatory settlement conference  
20 pursuant to this order will be posted on the Court's website at  
21 [https://www.scscourt.org/court\\_divisions/civil/adr/civil\\_msc\\_attorneys.shtml](https://www.scscourt.org/court_divisions/civil/adr/civil_msc_attorneys.shtml). Within  
22 10 days of being ordered to a mandatory settlement conference under this order, the  
23 parties must choose a settlement attorney and schedule their mandatory settlement  
24 conference directly with the settlement attorney. These mandatory settlement  
25 conferences will be held remotely.

26 d. The parties must file their five page (not including any attachments) mandatory  
27 settlement conference statement with the Court, and email it to the settlement attorney  
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1 and all parties or their counsel to the case, five court days prior to their mandatory  
2 settlement conference.

3 THIS ORDER IS EFFECTIVE IMMEDIATELY.

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5 Dated: March 2, 2021

  
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6 Presiding Judge Theodore C. Zayner  
7 Santa Clara County Superior Court  
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