

FROM THE PROBATE SECTION...NEW MEDIATION DISCLOSURE REQUIREMENTS BEGINNING JANUARY 1, 2019 AND LOCAL REPLACEMENT FOR FAX FILING

BY AMBER RODRIGUEZ

Have you heard? Governor Jerry Brown signed into law SB 954, which amends Section 1122 of the California Evidence Code and adds Section 1129. The new law requires attorneys representing clients in connection with mediation to provide written disclosures to their clients about mediation confidentiality. It takes effect on January 1, 2019.

Under the new law, attorneys must provide certain disclosures to clients *before* the client agrees to participate in mediation if the attorney represents the client at that time. If the attorney joins in after the client has already agreed to mediation, the attorney must provide the mediation disclosures as soon as possible. The specific requirements of the disclosure are set forth in the statute.

In addition to specific requirements for the disclosure content, the statute requires a particular format. This includes 12-point font, a separate page for the mediation disclosure, the disclosure being provided in the client's preferred language and the client separately signing the mediation disclosure.

The new law does not provide a remedy if an attorney fails to comply. It also states that the failure to provide the required disclosures will not invalidate an agreement reached at mediation. Finally, the new law does not otherwise change the existing laws regarding mediation confidentiality.

In addition, our local fax filing system has now been replaced by "eDelivery." You can access the new service and/or get further information about how to use it by visiting the court's website at ventura.ca.courts.gov. Click on the "Online Services" tab, then on "eDelivery." Keep in mind, however, that if the court has authorized and directed you to submit something directly to the judge, you should still use the courtroomJ6@ventura.courts.ca.gov email address. Otherwise, a few will be charged for submitting your documents.

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