

Complaint Procedures in Civil Mediation Matters

Pursuant to [California Rule of Court 3.865](#), the court has developed the following Mediator Complaint Procedures, which are currently in effect. Effective January 1, 2010, the Court's Local Rules also reference these Procedures.

- a. All inquiries and complaints lodged against a panel member must be submitted in writing to the Court's ADR Administrator, who shall serve as the complaint coordinator pursuant to CRC §3.867. The written complaint should make reference to the Rule or Rules of Conduct for Mediators which the complainant believes the mediator has violated. (See Rules of Conduct for Mediators in Court-Connected Mediation Programs for Civil Cases, found at California Rules of Court 3.850 through 3.868.)
- b. All complaint procedures and complaint proceedings shall be kept confidential. No information or records regarding the receipt, investigation, or resolution of a complaint may be open to the public or disclosed outside the course of the complaint proceeding except as provided in section e.(5) below or as otherwise required by law (Cal. Rule of Court 3.871(c)). Participation in the Court's ADR Program rests solely within the Court's discretion and at the Court's pleasure.
- c. Upon receipt of a complaint, the ADR Administrator shall send the complainant a confidential written acknowledgment that the Court has received the complaint.
- d. The ADR Administrator shall conduct a preliminary review of any complaint submitted in writing in order to determine whether it warrants investigation, and whether it can be informally resolved or closed.
- e. If the complaint is not resolved or closed pursuant to this preliminary review:
 - (1) The mediator shall be given written notice of the complaint and an opportunity to respond.
 - (2) The complaint shall be investigated and a written recommendation concerning court action on the complaint shall be made by a complaint committee, to be appointed by the Presiding Judge. At least one member of the complaint committee shall be a person who has experience as a mediator, and who is familiar with the Rules of Conduct for Mediators in Court-Connected Mediation Programs for Civil Cases (Cal. Rules of Court 3.850 - 3.868).
 - (3) The final decision on the complaint shall be made by the Presiding Judge or his/her designee within thirty (30) days after the complaint committee's recommendation is submitted to the Presiding Judge.
 - (4) The Court shall send confidential written notice of the final action taken by the court on the complaint to the complainant and to the mediator. The notice shall be sent no later than ten (10) days after the Presiding Judge or his/her designee makes a final decision on the complaint.
 - (5) After the decision on a complaint, the Presiding Judge or his/her designee may, but is not required to, authorize public disclosure of the name of the mediator against whom action has been taken, the action taken, and the general basis on which the action was taken, pursuant to Cal. Rule of Court 3.871(d).