

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 IN AND FOR THE COUNTY OF SANTA BARBARA
3

4 GENERAL ORDER RE: IMPLEMENTATION OF MANDATORY SETTLEMENT
5 CONFERENCES UNDER THE AUTHORITY OF CALIFORNIA RULES OF COURT,
6 RULE 10.603, SUBD. (a)(1)

7 Exercising the authority granted under California Rules of Court, Rule 10.603, subd. (a)(1)
8 and pursuant to the directive of Chief Justice Tani G. Cantil-Sakauye, Chair of the Judicial Council
9 of California, directing the court to establish a COVID-19 pandemic mandatory criminal case
10 conference program (See link: [https://newsroom.courts.ca.gov/sites/default/files/newsroom/2020-
11 12/Presiding%20Judges%20-%20RC%2012222020_1.pdf](https://newsroom.courts.ca.gov/sites/default/files/newsroom/2020-12/Presiding%20Judges%20-%20RC%2012222020_1.pdf)), this Court HEREBY FINDS AND
12 ORDERS AS FOLLOWS:

- 13 • The Criminal Case Settlement Conference program as provided in the attachment to this
14 order is ordered into effect immediately.

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16 Dated: January 11, 2021

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Gustavo E. Lavayen
18 Presiding Judge of the Superior Court
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Superior Court of California

County of Santa Barbara

Criminal Case Settlement Conferences

Pursuant to the directive from Chief Justice Tani Cantil-Sakauye, the Santa Barbara Superior Court has created a Pre-Arrestment Settlement Conference and a Pending Case Settlement Conference protocol in order to address the increasing backlog of criminal cases due to the ongoing Covid-19 global pandemic. (See link: https://newsroom.courts.ca.gov/sites/default/files/newsroom/2020-12/Presiding%20Judges%20-%20RC%2012222020_1.pdf)

Pending Cases in Trial Departments

The following protocol has been established in order to facilitate the conferences on pending cases.

1. The parties will be required to meet and confer prior the court conference;
2. Parties attending the conference shall have settlement authority;
3. The prosecution shall make efforts to contact any alleged victims prior to settlement conference pursuant to Marsy's Law;
4. Defense attorneys shall contact client prior to settlement conference to discuss possible settlement, including counter offers;
5. Defense attorneys shall have immediate communication access to their out of custody client during the conference and clients must be available and accessible during the conference.

Attorneys will submit a pre-trial settlement form to the court at the settlement conference containing the following information:

- Case number and case name
- Charges
- Attorney names
- Date of most recent settlement conference, if any
- DA offer
- Defense counter
- Date of last day for trial
- Issues precluding settlement



Superior Court of California

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Pre-Arraignment Cases

The following protocol has been established in order to facilitate the conferences on pre-arraignment cases:

1. The court will send notice of appointment of counsel, directive of issuing discovery and date of conference to the parties;
2. The parties will be required to meet and confer prior the court conference;
3. Attendance at the conference is mandatory per court order;
4. Parties attending the conference shall have settlement authority;
5. The prosecution shall make efforts to contact any alleged victims prior to settlement conference pursuant to Marsy's Law;
6. Defense attorneys shall contact client prior to settlement conference to discuss possible settlement, including counter offers;
7. Defense attorneys shall have immediate communication access to their out of custody client during the conference and clients must be available and accessible during the conference.
8. Cases that resolve at the conference shall be calendared by the settlement judge with sufficient time for the parties to complete all required plea/sentencing forms;
9. Settlement conferences shall be conducted in both the North and South venues of the court with bench officers assigned by the Presiding Judge.