

Hi, this is Chris Micheli with the Sacramento governmental relations firm of Aprea & Micheli, and an adjunct professor at McGeorge School of Law. Thanks for joining this brief podcast on SB 954, from the 2018 legislative session. It concerns new requirements imposed on attorneys in mediation proceedings.

Governor Jerry Brown signed Senate Bill 954 by state senator Bob Wieckowski, on September, the 11th, as Chapter 350. Again, this bill imposes new requirements on attorneys representing individuals in mediation proceedings.

Except in the case of class actions, SB 954 requires an attorney, representing an individual who participates in the mediation, to provide his or her client with a printed disclosure that contains certain confidentiality restrictions that apply to mediations. The attorney is required to obtain a printed acknowledgment, signed by his or her client that provides that the client has read and understands these confidentiality restrictions.

In addition, SB 954 specifies language that is deemed to be compliant with the printed disclosure and acknowledgement requirements that are set forth in current California law. Failure to comply with these requirements does not invalidate an agreement prepared in the course of a mediation. Compliance with these requirements, or the lack thereof, may be used in attorney disciplinary proceedings, in specified circumstances.

This bill amends Evidence Code Section 1122, and adds new Section 1129, both effective January 1, 2019. Also, it adds Evidence Code Section 1129(a), concerning the provision that a client agrees to participate in the mediation, and that he or she reads and acknowledges the printed disclosure on confidentiality restrictions.

In new section 1129(c) that printed disclosure must abide by the following:

- It must be printed in the preferred language of the client, in at least 12 point font.
- It must be printed on a single page that is not attached to any other document that is provided to the client.
- And it must include the names of the attorney and the client, and be signed and dated by both the attorney and the client.

Know that the new Code Section subdivision (d) provides that a disclosure notification and acknowledgement, that is deemed to comply with the requirements of law, is actually set forth in the statute.

Again, attorneys engaged in mediation proceedings, should be aware of these new statutory provisions contained in SB 954. Thanks for joining this podcast. Hope you enjoyed it.