

Procedure – Complaints against Mediators
(CRC 16.22, 1622.1, 1622.2)

This procedure complies with the requirements of Rule of Court 1622 et seq. and applies to complaints received against mediators that are recommended, selected, appointed or compensated by the San Luis Obispo Superior Court on or after January 1, 2006.

All complaints against a mediator must be submitted in writing to the judge who is designated as the Civil Team Leader on the date the complaint is filed.

The Civil Team Leader will ensure that the complaint is processed promptly. To the extent reasonably possible, action on each complaint shall be taken within 30 days after the complaint is submitted.

The Civil Team Leader will give written notice of the receipt of the complaint to the complainant and to the mediator against whom the complaint is made.

All proceedings and investigation of any complaint will be conducted in a manner that is confidential and private consistent with the need to conduct a complete and thorough investigation while preserving the confidentiality of mediation communications and protecting mediators against damage to their reputation that might result from unfounded complaints made against them.

The Civil Team Leader will review the complaint and determine if the complaint:

- 1) May be closed after initial review
- 2) Requires preliminary investigation
- 3) Requires formal investigation

The Civil Team Leader may delegate authority to the Court Executive Officer or his/her designee to assist in the collection of information in any preliminary or formal investigation.

If any complaint or portion of a complaint is found to be true, the Court may take any of the following actions, or any combination thereof:

- 1) Impose additional mediation training requirements;
- 2) Reprimand a mediator;
- 3) Remove a mediator from the court's panel or list;
- 4) Otherwise prohibit a mediator from receiving future mediation referrals from the court; and/or
- 5) Any other action deemed appropriate by the Court.

After the completion of the investigation, the Civil Team Leader will notify the mediator of the disposition of the complaint. This notification will include an advisement of the action taken and any remedial action required of the mediator by the court.

After the completion of the investigation, the Civil Team Leader will notify the complainant in writing of the disposition of the complaint. This notification will provide a general description of the action taken consistent with the requirements of confidentiality set out in California Rule of Court 1622.2.

The Court will maintain a file on every complaint received, containing the following:

1. The complaint;
2. The response of the mediator, if any;
3. All evidence and reports produced during the investigation of the complaint;
and
4. The final action taken on the complaint.

No information or records concerning any complaint or any action taken on a complaint regarding a mediator may be opened to the public or disclosed without the order of the Presiding Judge or a judge so designated by the Presiding Judge. The Presiding Judge or the judge so designated will make a determination on what, if any, records will be released. Before any disclosure of information is made, notice will be given to any persons whose mediation communications may be revealed.