

Rule 5. 30 Prefiling, Early Neutral Evaluation Conference

(A) **Early Neutral Evaluation Conference.** ~~If the Office of the Chief Trial Counsel and the member cannot agree on the resolution or disposition of a matter before disciplinary charges are filed, e~~ Prior to the filing of disciplinary charges, the Office of the Chief Trial Counsel will notify the member in writing of the right to request an Early Neutral Evaluation Conference. Either party may request an Early Neutral Evaluation Conference. A party will have 10 days from the date of service of notice to request a conference. The time is not extended by the method of computing time set forth in Rule 5.28(A). Failure to request a conference within that time is deemed a waiver of the right to request a conference. If proper notice is provided, failure to hold a conference will not be a basis for dismissal of a proceeding. ~~either party may request an Early Neutral Evaluation Conference. A State Bar Court hearing judge must~~ will conduct the conference within 15 days of the request.

(B) **Judicial Evaluation.** At the conference, the judge must give the parties an oral evaluation of the fact and charges and the potential for imposing discipline. If the parties then resolve the matter in a way that requires Court approval, the Office of the Chief Trial Counsel must document the resolution and submit it to the Evaluation judge for approval or rejection.

(C) **Evidence.** The Office of the Chief Trial Counsel must submit a copy of the draft notice of disciplinary charges, a statement of the case, or other written summary to the judge prior to the conference. The ~~document~~ documentation must include the rules and statutes alleged to have been violated by the member, a summary of the facts supporting each violation, and the Office of the Chief Trial Counsel's settlement position. Each party may submit documents and information to support its position.

(D) **Confidentiality.** The conference is confidential. A party may designate any document it submits for in camera inspection only.

(E) **Trial Judge.** Unless otherwise stipulated by the parties, the Early Neutral Evaluation judge cannot be the trial judge in a later proceeding involving the same facts.