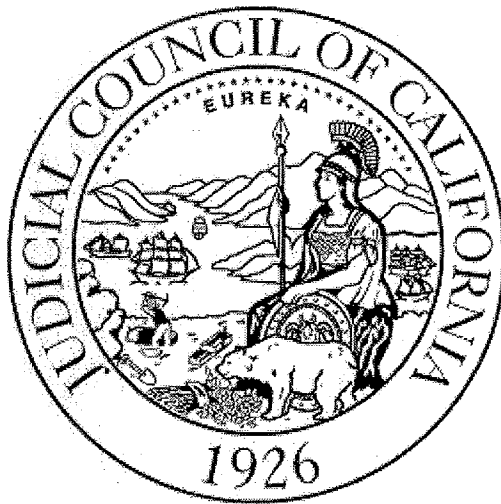
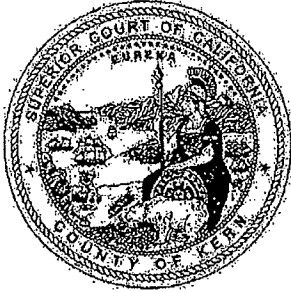


**ALTERNATIVE DISPUTE RESOLUTION
IN CIVIL CASES**



**REPORT OF THE
TASK FORCE ON THE QUALITY OF JUSTICE
SUBCOMMITTEE ON
ALTERNATIVE DISPUTE RESOLUTION
AND THE JUDICIAL SYSTEM**

August 1999



SUPERIOR COURT OF CALIFORNIA, COUNTY OF KERN

Information About Alternative Dispute Resolution

Civil mediation is a voluntary method of dispute resolution, which may enable you to settle a civil disagreement without a court trial. Mediation is a cooperative process in which parties work together to find a solution instead of working against each other. Mediation normally leads to better relations between the parties and to resolutions that hold up.

Mediation is very effective when the parties have a continuing relationship, like neighbors or business partners. Mediation also works well when emotions are getting in the way of a resolution. This is because mediation normally gives the parties a chance to vent their feelings and view the dispute from all perspectives. Mediation may not be a good idea when one party won't discuss a resolution or when one party is in a weaker bargaining position.

Is any civil case eligible for mediation? Kern County Superior Court supports civil mediation as a method to reduce court resources and expense to litigants. In Kern County, civil mediation is available for cases valued over \$5000. Mediation is not offered for small claims cases at this time.

(Note: Civil mediation should not be confused with another type of mediation - mandatory court mediation to resolve child custody and visitation disputes. This type of mandatory mediation is addressed in the pamphlet entitled "Family Court Services.")

Am I required to participate in mediation? No. Civil mediation is an entirely voluntary process. Judicial officers may suggest civil mediation as a faster and less costly method to resolve a dispute. However, they will not require civil mediation. You may also terminate mediation in process if you are not comfortable with this method of dispute resolution.

What is a mediator? A mediator is a qualified neutral person, usually an attorney, who may also be an expert in a specialized field, such as real estate or construction.

What does a mediator do? The mediator improves communication between the parties, helps to clarify facts, identify legal issues, explore options and arrive at a mutually acceptable resolution.

How can I locate a qualified mediator? Kern County Superior Court maintains a listing of mediators who have complied with the court's requirements, which include 40 hours of mediation training and experience mediating at least three civil cases. This listing is available:

- Online at www.kern.courts.ca.gov/adr/mediators-panel
- At the Public Counter of the Civil Department
1415 Truxtun Avenue, First Floor - Bakersfield
- Information may also be available at the civil counters at regional court locations.

Am I obligated to select a mediator from the court's list? No. The court provides this information as a courtesy, for informational purposes only. You must select your own mediator and initiate contact.

What role does my attorney play? Your attorney may continue to represent you during the mediation process. The mediator will meet with you and your attorney, or may confer with your attorney individually.

Is mediation costly? Mediator fees are comparable to attorney fees, and may include expenses associated with the mediator. The cost of mediation is generally shared between the disputing parties.

How does mediation save money? Civil cases that proceed to court trial usually require extensive preparation and time-consuming court appearances. Resolution may require months or years. Civil mediation may be conducted more quickly, which can reduce attorney fees and expenses associated with expert witnesses.

Is mediation confidential? Yes. Statements made in mediation cannot be repeated in court.

Non-Binding Judicial Arbitration

Pursuant to CRC Rule 1600 et seq, qualifying cases will be referred to non-binding judicial arbitration. Unlike mediation, the courts pays for arbitration up to \$150 (expected to be about two hours). When a case is referred for arbitration, the court provides parties with a limited number of names drawn at random from the court's arbitration panel. Each party has the opportunity to strike one name; the name remaining is the assigned arbitrator. The arbitrator coordinates all arrangements, conducts the arbitration, and files notice of an award with the courts. Parties may reject the arbitrator's award within 30 days and proceed to trial if they wish.

Websites

www.kern.courts.ca.gov/adr - detailed information about ADR programs in Kern County. Includes regulations, instructions and forms.

Further legislative findings and declarations regarding ADR can be found in CCP 1775, et seq. (effective July 1, 2003).

ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME AND ADDRESS):	TELEPHONE NO.:	FOR COURT USE ONLY
ATTORNEY FOR (Name): SUPERIOR COURT OF CALIFORNIA, COUNTY OF KERN STREET ADDRESS: CITY AND ZIP CODE: BRANCH NAME: <input type="checkbox"/> Metropolitan Bakersfield <input type="checkbox"/> Arvin / Lamont <input type="checkbox"/> Delano <input type="checkbox"/> Kern River <input type="checkbox"/> Mojave <input type="checkbox"/> Ridgecrest <input type="checkbox"/> Shafter / Wasco <input type="checkbox"/> Taft (check one)		
PLAINTIFF:		CASE NUMBER:
DEFENDANT:		
ADR STIPULATION AND ORDER FORM		

Pursuant to California Rule of Court 201.9(a)(4), the parties and their attorneys stipulate that the claims in this action will be submitted to the following alternative dispute resolution process:

- Mediation
- Neutral Evaluation
- Binding Arbitration
- Referee/ Special Master
- Settlement Conference with Private Neutral
- Non-binding Judicial Arbitration pursuant to CCP 1144 et seq, CRC Rule 1600 et seq
- Discovery will remain open until 30 days before trial
- Other _____

It is also stipulated that _____ (name of individual neutral, not organization) will serve as _____ (neutral function/ process) and that the session will take place on _____ (enter a FIRM date).

Date: _____

(Type or print name)	(Signature)
(Type or print name)	(Signature)

Attach additional signature pages if needed.

ADR STIPULATION AND ORDER FORM

ORDER:

Case Number: _____

The ADR process is to be completed by _____ (date)

The Case Management Conference currently set for _____ (date)

20_____, at _____ AM / PM in Department _____

is hereby vacated

is not hereby vacated

Mediation Status Review

Case Status Review

re: _____

Trial Setting Conference

is set for _____ (date), 20_____, at _____ AM / PM in

Department _____

Judicial Arbitration Order Review Hearing will be set by notice upon assignment of the arbitrator.

It is so ordered.

Date

Judge of Superior Court