AMADOR COUNTY SUPERIOR COURT

500 Argonaut Lane • JACKSON, CA 95642-2396
(209) 257-2603

ROB KLOTZ, *COURT EXECUTIVE OFFICER*

THIS DOCUMENT IS TO BE SERVED ON ALL PARTIES

Tentative Rulings Procedure

Law & Motion Matters: The Superior of Court of Amador County has adopted Local Rule 4.03, which provides for the issuance of tentative rulings in all law and motion matters on the afternoon of the court day before the law and motion matter is calendared. The tentative rulings are available after 2:00 p.m. on the web (www.amadorcourt.org). Parties satisfied with the tentative ruling need not appear at the scheduled hearing, unless ordered to do so by the Court. Parties intending to appear and contest the tentative ruling must notify the Court and opposing counsel of such intent by 4:00 p.m. on the first court day before the hearing. Unless opposing counsel is notified of such intent, oral argument will not be permitted. Absent oral argument, the tentative ruling will become the final ruling of the Court.

All noticed motions and demurrers in civil matters shall include the following information in the notice:

> "Pursuant to Local Rule 4.03, the court will make a tentative ruling on the merits of this matter by 3:00 p.m., the court day before the hearing. To receive the tentative ruling, call (209) 257-2692. If you intend to appear and contest the tentative ruling, you must notify the court and opposing counsel of such intent by 4:30 p.m. on the first court day preceding the hearing. If you do not provide proper notice to the court and the opposing party no hearing will be held."

Failure to include the above language could result in the imposition of sanctions pursuant to Local Rule 4.01.

Case Management Conferences: The Amador Superior Court has adopted Local Rule 8.05, which provides for the issuance of tentative rulings for case management conference hearings. The tentative rulings are available after 2:00 p.m. on the court day before the hearing is scheduled. Tentative rulings are posted on the Court's website, www.amadorcourt.org. Parties satisfied with the tentative ruling need not appear at the scheduled hearing, unless ordered to do so by the Court. Parties intending to appear and contest the tentative ruling must notify the Court and opposing counsel of such intent by 4:00 p.m. on the first court day before the hearing. Unless opposing counsel is notified of such intent, oral argument will not be permitted. Absent oral argument, the tentative ruling will become the final ruling of the Court.

Alternative Dispute Resolution Information Sheet

As of July 1, 2001, whenever a complaint in a civil action is filed, the clerk will provide the plaintiff with the attached Alternative Dispute Resolution Information Sheet. Pursuant to Rules of Court, Rule 1590.1(b) the plaintiff must serve the Information Sheet on each defendant along with the complaint. Cross-complainants are also required to serve a copy of the information sheet along with the cross-complaint.

The Information Sheet is available for no cost in the Superior Court Clerk's office, or on the court's web site at www.amadorcourt.org.

Civil Alternative Dispute Resolution Options Available in the Amador Superior Court

The Amador Superior Court supports and encourages the use of Alternative Dispute Resolution ("ADR"). The court has long recognized the value of early case management intervention and the use of alternative dispute resolution options for amenable and eligible cases. Litigants have also expressed a high degree of satisfaction when using these options.

The most common forms of ADR are mediation and arbitration. There are a number of other kinds of ADR as well. In ADR, trained, impartial persons decide disputes or help parties decide disputes themselves. These persons are called neutrals. For example, in mediation, the neutral is the mediator. Neutrals normally are chosen by the disputing parties or by the court.

Advantages of ADR

- **ADR can be speedier**. A dispute often can be resolved in a matter of months, even weeks, through ADR, while a lawsuit can take years.
- **ADR can save money**. Court costs, attorneys fees, and expert fees can be saved.
- **ADR can permit more participation**. The parties may have more chances to tell their side of the story than in court and may have more control over the outcome.
- **ADR can be flexible**. The parties can choose the ADR process that is best for them. For example, in mediation the parties may decide how to resolve their dispute.
- **ADR can be cooperative**. This means that the parties having a dispute may work together with the neutral to resolve the dispute and agree to a remedy that makes sense to them, rather than work against each other.
- **ADR can reduce stress**. There are fewer, if any, court appearances. In addition, because ADR can be speedier, and save money, and because the parties are normally cooperative, ADR is easier on the nerves. The parties don't have a lawsuit hanging over their heads for years.
- **ADR can be more satisfying**. For all the above reasons, many people have reported a high degree of satisfaction with ADR.

Because of these advantages, many parties choose ADR to resolve a dispute, instead of filing a lawsuit. Even when a lawsuit has been filed, the court can refer the dispute to a neutral before the parties' positions harden and the lawsuit becomes costly. ADR has been used to resolve disputes even after a trial, when the result is appealed.

Disadvantages of ADR

ADR may not be suitable for every dispute.

- If ADR is binding, the parties normally give up most court protections, including a decision by a judge or jury under formal rules of evidence and procedure, and review for legal error by an appellate court.
- There generally is less opportunity to find out about the other side's case with ADR than with litigation. ADR may not be effective if it takes place before the parties have sufficient information to resolve the dispute.
- The neutral may charge a fee for his or her services.
- If a dispute is not resolved through ADR, the parties may have to put time and money into both ADR and a lawsuit.
- Lawsuits must be brought within specified periods of time, known as statutes of limitation. Parties must be careful not to let a statute of limitations run out while a dispute is in an ADR process.

ADR Options

The court currently offers the following ADR options:

Judicial Arbitration: Judicial Arbitration is a binding or non-binding process where an arbitrator applies the law to the facts of the case and issues an award. The goal of judicial arbitration is to provide parties with an adjudication that is earlier, faster, less formal and less expensive than trial. The arbitrator's award may either become the judgment in the case if all parties accept or if no trial de novo is requested within the required time. Either party may reject the award and request a trial de novo before the assigned judge if the arbitration was non-binding. If a trial de novo is requested, the trial will usually be scheduled within a year of the filing date.

Parties may stipulate to binding or non-binding judicial arbitration or the judge may order the matter to arbitration at the case management conference, held approximately 150 days after filing, if a case is valued at under $50,000 and is "at issue". The court maintains a panel of approved judicial arbitrators who have practiced law for a minimum of five years

and who have a certain amount of trial and/or arbitration experience. In addition, if parties select an arbitrator from the court's panel, the court will pay the arbitrator's fees.

Please see Amador Superior Court Local Rules, Rule 9.00 for more information regarding judicial arbitration.

Settlement Conferences: The goal of a settlement conference is to assist the parties in their efforts to negotiate a settlement of all or part of the dispute. Amador County Superior Court Local Rules, Rule 5.00 allows any party to request a settlement conference or the parties may stipulate to a settlement conference. The settlement conference may be conducted before the judge assigned to the case, another assigned judge or a pro tem appointed to act as settlement officer. The court may also order a case to a mandatory settlement conference prior to trial.

Court Ordered Mediation: Mediation is a non-binding process in which a trained mediator 1) facilitates communication between disputants, and 2) assists parties in reaching a mutually acceptable resolution of all or part of their dispute. In this process, the mediator carefully explores not only the relevant evidence and law, but also the parties' underlying interests, needs and priorities. The mediator is not the decision-maker and does not resolve the dispute -- the parties do. Mediation is a flexible, informal and confidential process that is less stressful than a formalized trial.

As of July 1, 2006, the Amador Superior Court implemented a civil mediation program. Eligible cases will be referred to mediation upon the stipulation of the parties and order of the Court. Most general civil cases will be eligible for referral to the mediation program.

The court will maintain a panel of approved mediators that meet specific qualifications and who adhere to court approved mediator ethics. A list of the Court-approved mediators is available for free at the clerk's office or on the web at www.amadorcourt.org.

There is no cost to the parties for the first three hours of the mediation. Please see Amador Superior Court, Local Rule 8.14 for more information.

Voluntary ADR: Parties may voluntarily stipulate to private mediation, private binding or non-binding arbitration, private early neutral evaluation or private judging outside the court system at any time.

For Further Information

Please contact:

Amador County Superior Court
500 Argonaut Lane
Jackson, CA 95642
(209) 257-2603