

MULTI-OPTION APPROPRIATE DISPUTE RESOLUTION PROJECT

Superior Court of San Mateo County

Dispute Resolution Program Has Become an International Model

To maximize its ability to resolve cases through appropriate dispute resolution, the Superior Court of San Mateo County has partnered with the local bar association and community to offer a comprehensive range of dispute resolution services. These services—offered free, at a reduced rate, or at the market rate—are provided for voluntary or mandatory

resolution of disputes. Virtually every type of noncriminal case has a service available—from small claims to complex litigation, and from family law disputes to juvenile delinquency.

So effective is this program that courts throughout the world draw on the San Mateo court's expertise in designing and adapting innovative alternative dispute resolution (ADR) programs. Visitors have come from every continent except Antarctica, and have included the Turkish minister of justice.

"Your willingness to share your experience has helped us tremendously, and your program has helped us to implement the same as a perfect model in our Bombay High Courts and also in the Bombay University," wrote Sheela Balsari, ADR coordinator for the Civil and Sessions Court in Mumbai.

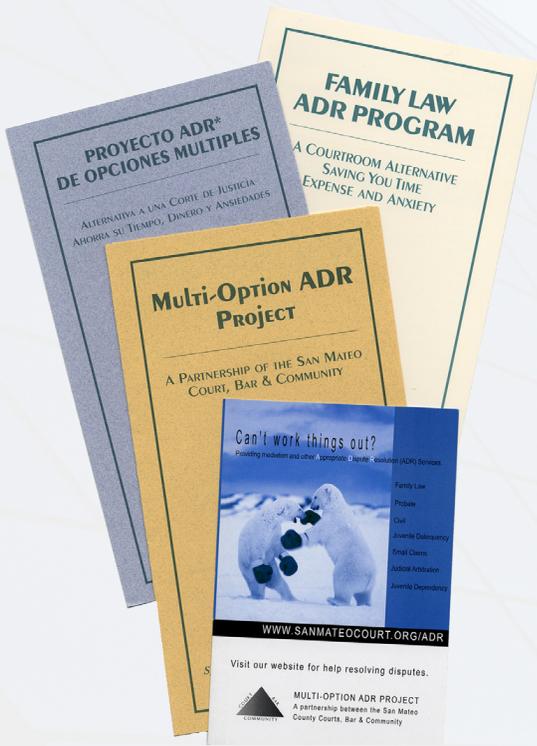
The San Mateo Multi-Option Appropriate Dispute Resolution Project grew from a civil ADR program in 1996 to include family law, probate, juvenile delinquency, dependency, and finally, in 2007, complex litigation.

The project encompasses mediation, arbitration, and hybrid dispute resolution processes. This flexible menu permits attention to be paid to the unique features of each case. For example, a statute of limitations question may be arbitrated first. If it is determined that the statute of limitations has not elapsed, the rest of the case may be mediated. Or a portion of a case may be mediated to narrow the issues for trial.

The project screens all mediators and arbitrators. Staff members meet with counsel to discuss both the options and potential providers and to help match



Volunteer mediator Rhonda Gessow assists in the Juvenile Mediation Program of the San Mateo County court's Multi-Option ADR Project.

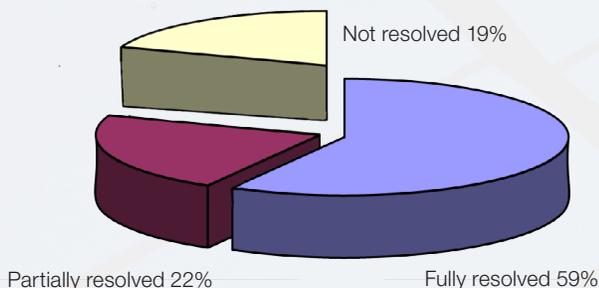


San Mateo's broad ADR program is a model for other California counties. Its family law ADR and juvenile delinquency mediation services are unique within the state.

each case to an appropriate resolution process and an appropriate mediator or arbitrator.

Hundreds of mediators participate in the project. The professional staff mediate cases and also oversee the 50 or so nonprofit volunteers who handle the small claims, juvenile dependency, and juvenile delinquency

Resolution of Cases Using Family Law ADR, Fiscal Year 2007–2008



The Multi-Option ADR Project's family ADR services achieved an 81 percent settlement rate (either full or partial settlement) in fiscal year 2007–2008, an indicator of their effectiveness. (Source: Superior Court of San Mateo County Evaluation Report, July 2007–July 2008.)

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cases. An additional 20 or so attorneys serve as family law mediators at a reduced rate of \$100 for a 90-minute session. Another 200 or so arbitrators conduct arbitrations ordered by the court or stipulated by the parties and are paid by the court at \$150 per case.

In addition, about 130 mediators are available for civil, complex, and probate cases. This work is done in their offices and billed at the market rate. Screening for reduced fees or fee waivers is available to those who need assistance, and each mediator is required to take at least one pro bono case a year. Lending the court's imprimatur to carefully screened private mediation services encourages more litigants to avail themselves of those services, says Sheila Purcell, the project's director.

With a staff of 7.5 and a budget of about \$1.2 million, the project is supported primarily by state trial court funds. Startup grants, fees, and community volunteers were used to launch various aspects of the project.

Evaluations by litigants, attorneys, mediators, and arbitrators show a high level of user satisfaction, high settlement rates, and increased confidence in the fairness of the judicial system.

“[The] mediator was able to educate plaintiff on shortcomings of this case when defendant had not been able to,” wrote one defendant in the civil ADR program.

“I heard their side of the story,” wrote an offender after participating in the juvenile mediation program.

TO REPLICATE THIS PROGRAM:

- Assess what bar and court leaders think are the community's ADR needs.
- Assess the available resources.
- Develop strategic plans for short-term, mid-range, and long-term goals.
- Start with a small pilot and evaluate.
- Build from there.