

# Superior Court of California County of Santa Clara

DOWNTOWN COURTHOUSE  
191 North First Street  
San Jose, California 95113  
(408) 882-2700

Elizabeth A. W. Strickland  
Attorney-Mediator, Civil Division  
408-882-2530  
estrickland@scscourt.org



## NEWS RELEASE

FOR IMMEDIATE RELEASE

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### **Superior Court of California, County of Santa Clara Commemorates Mediation Week, March 18-24**

SAN JOSE – The Superior Court of Santa Clara County is joining courts and other organizations around the state in commemorating Mediation Week during March 18-24, 2007.

Mediation Week is intended to honor the important role that mediation plays by offering the public a way to resolve disputes without going to trial. In mediation, a neutral person helps the parties who are involved in a dispute discuss the issues and try to agree on a resolution.

“I am pleased to recognize the efforts of the judicial officers, court staff, mediators, and others who make the mediation programs a benefit for our community,” said Presiding Judge Catherine Gallagher. “Mediation offers the parties to a lawsuit a valuable alternative to having the court resolve their dispute through a trial.”

The Superior Court of California, County of Santa Clara has a thriving Alternative Dispute Resolution (ADR) Program in the Civil Division that began in 1998. The court refers most general jurisdiction civil cases to judicial arbitration, mediation, or neutral evaluation. Each year more of the Court’s ADR caseload goes to mediation or neutral evaluation, and fewer cases are going to judicial arbitration.

For general and limited jurisdiction civil cases, parties may use any ADR provider that is mutually acceptable, including the mediators and neutral evaluators listed on the court’s ADR web database. The court’s list of screened and approved ADR providers is available on the court’s web site as a sortable database, and includes attorneys and non-attorneys. The court’s ADR provider list can be found at [www.sccsuperiorcourt.org/civil/ADR/](http://www.sccsuperiorcourt.org/civil/ADR/).

Parties and counsel in general civil cases continue to opt for mediation or neutral evaluation instead of judicial arbitration. In 2000, 68% of the cases going to ADR went to judicial arbitration, with 32% going to mediation or neutral evaluation. By 2005, 56% of the ADR caseload went to mediation or neutral evaluation, and 44% went to judicial arbitration. In 2006 the trend continued with 62% going to mediation or neutral evaluation and 38% going to judicial arbitration.

The following are highlights from evaluations of the panelists on the court's Civil Division ADR provider list;

- 75 percent of the disputes were resolved as a direct result of the ADR process.
  - One provider reported full resolution in 94 percent of his mediations.
- Reduced litigation costs were attributed to the ADR process in 65 percent of the disputes. Cost reductions were most often reported in the following ranges:
  - \$5000 - \$5999,
  - \$10,000 - \$19,999, and
  - \$20,000 - \$49,999.

These numbers indicate a savings to parties estimated to be more than **\$7,000,000** in reduced litigation costs over the life of the civil division ADR program.

- Median estimated savings to the court was five days.
- Savings of 10 days or more were estimated in many cases.
- The Court is referring a projected 900 cases annually to mediation, with as many as 1300 cases going to mediation in some fiscal years.
  - For each Court day saved, the monetary savings is an estimated minimum \$3943 (per Code of Civil Procedure section 1775(f)). Each court day's savings, multiplied by average annual mediation case load and assuming only 1 trial day for each case, comes to more than **\$3,000,000** saved in court costs for the average fiscal year.
  - 97 percent of the parties responding to the evaluation would use the neutral again
  - 97 percent of all parties responding to the evaluation would use the ADR process again

Over the past 25 years, court mediation programs have helped the public resolve many cases. (See attached Fact Sheet.)

The Legislature has found and declared that it is in the public's interest for mediation to be encouraged and used where appropriate by the courts. (California Code of Civil Procedure, section 1775 (c).)

The Judicial Council of California, the policy-making body for state courts, has declared the third week in March as Mediation Week to coincide with similar recognitions by other public officials and agencies. The week is designed to increase public awareness of the availability and benefits of court mediation programs and to recognize the efforts of those who make them successful.

For more information on mediation and Mediation Week, please visit the California Courts Web site at [www.courtinfo.ca.gov/programs/adr/events.htm](http://www.courtinfo.ca.gov/programs/adr/events.htm).

## SUBJECT AREAS OF DISPUTES IN WHICH MEDIATION MIGHT BE APPROPRIATE

In mediation, a neutral person helps parties to a dispute to communicate and try to reach an agreement that addresses their concerns. Mediation may be helpful in disputes about almost any subject, including those in the areas listed below. But, whether mediation is appropriate in a particular dispute depends on many circumstances and should be determined on a case by case basis. A person who has questions about whether mediation may be appropriate should consult a mediation program coordinator, a mediator, or an attorney.

**A**ccessibility (ADA), Accidents, Accountants (fees, malpractice), Adoption, Antitrust, Appeals, Assault, Attorneys (fees, partnerships, malpractice), Automobiles (accidents, leases, lemons, purchases, repairs)

**B**anking, Barking Dogs, Boundaries, Business (purchase, financing, leases, sales), Breach of Contract, Brokers (real estate, securities)

**C**ars (see Automobiles), Children (custody and visitation, dependency, delinquency), Civil Rights, Civil Harassment, Collections, Condemnation, Congregational (religious), Construction (contracts, defects, delays) Contracts, Conservatorships, Corporations (dissolution, shareholder disputes)

**D**amages to Property, Debts, Defamation, Defective Products, Dependency, Discrimination (employment, housing), Disability, Dissolution (corporation, marriage, partnership), Divorce (custody, property division, support, visitation)

**E**asements, Elders (abuse, conservatorships), Eminent Domain, Employment (discrimination, EEOC, harassment, termination, wages), Entertainment, Environmental, Estates (planning, probate, settlement), Evictions

**F**ences (maintenance, placement), Fiduciary Duties, Franchises, Fraud

**G**uardianships, Gossip (peer mediation)

**H**abitability (residential rental), Harassment (civil, sexual), Housing Discrimination, Home Owner Associations

**I**njuries, Insurance (coverage, breach of duties), Intellectual Property, International (businesses, governments)

**J**uveniles (delinquency, dependency)

**L**abor-Management, Land Use (nuisance, permits, zoning), Landlord-Tenant (evictions, habitability, rent, safety), Lemon Law, Lender-Borrower

**M**alpractice (accountants, attorneys, brokers, dentists, doctors), Management-Labor, Maritime (employment, injuries, sales), Marriages (divorces, premarital agreements), Mechanics Liens

**N**eighbors (boundaries, fences, trees), Neighborhood Accountability, Noise, Nuisances

**O**bligations, Offender-Victim

**P**arent-Teen Relationships, Partnerships, Patents, Personal Injury, Police (citizen complaints), Probate, Product Liability, Professional Services (fees, malpractice), Property Damage, Property Division, Public Policy (land use, regulations)

**Q**uality, Qualifications

**R**eal Estate, Rental (see Landlord-Tenant), Repairs, RICO (racketeering), Roommates

**S**ales, Schools (expulsion, peer disputes, special education), Securities, Sexual Harassment, Small Claims Cases, Social Security, Support (child, spousal)

**T**axes, Technology, Tenants (see Landlord-Tenant), Termination (employment, leases), Theft, Trademarks, Trade Secrets, Trees (leaves, roots, views), Trespass, Trust Deeds, Trusts

**U**ninsured Motorists, Unfair Business Practices, Unfair Competition, Unlawful Detainer

**V**ictim-Offender, Views, Visitation

**W**ages, Warranties, Water Rights, Will Contests, Work Place, Worker's Compensation, Wrongful Termination

**Y**outh Accountability

**Z**oning Violations