



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF CONTRA COSTA**

Alternative Dispute Resolution Programs Office • P.O. Box 911 • Martinez, CA 94553
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HOW NEUTRAL CASE EVALUATION WORKS

This program allows the parties to meet with an independent attorney who will give their opinion about the strengths and weaknesses in the case, and talk about what might happen if the case went to trial. Evaluators can also help people plan for ways to save time and money as they go through the discovery process (sharing information about the case). This program does not include negotiation or settlement discussions. Instead, the parties may use the evaluation information in their own settlement negotiations or another ADR process (such as mediation).

- ▶ **Choosing an Evaluator:** Parties must get a current list of neutral case evaluators from the ADR Programs office. To see information about our panel members visit, www.cc-courts.org/adrpanel or go to the ADR Programs office in Martinez. To choose a neutral case evaluator, one party (such as the plaintiff) may circle the names of panel members they want to choose, or cross off names of panel members they do not want to choose, before sending that list to the other party.
- ▶ **Evaluation Statements:** Before evaluation, each party must submit a statement (no more than 5 pages) that explains their side of the dispute. Send this to the evaluator at least 5 court days before the evaluation conference.
- ▶ **Attendance:** Unless excused by the assigned judge, ALL parties must attend the neutral case evaluation conference.
- ▶ **Fees:** Neutral Case Evaluators on the Contra Costa Court panel do not charge for the first half hour of scheduling and preparing for the evaluation. They also do not charge for the first two hours of the evaluation session. If the parties choose to continue working with the evaluator longer than two hours, they must pay the evaluator's regular fees. If the evaluator charges a deposit, he or she must give back whatever is left after counting all the time spent preparing for or doing the evaluation. Parties can ask for evaluation fees to be waived (cancelled) if their court fees have also been waived.

NEUTRAL CASE EVALUATION CHECKLIST

CHOOSE AN EVALUATOR.

All parties must agree to the same evaluator. When you choose an evaluator, make sure:

1. The evaluator is WILLING AND AVAILABLE TO SERVE and does not have a conflict of interest.
2. The evaluator can finish the evaluation before the court's **COMPLETION DATE:**
3. You know what the evaluator will charge if you need more time.

RETURN THE SELECTION FORM.

1. One party must prepare the *Selection of ADR Panel Member* form.
2. Return the form by Email or Fax by the **SELECTION DUE DATE:**
(Email to request an extension. We must notify the court if your form is not back in time.)

KEEP THE COURT INFORMED.

1. **If this case settles** (either before, as a result of, or after evaluation); the parties must file the appropriate documents needed to inform the court clerk, and cancel any unnecessary court appearances.
2. You must get court permission to change from neutral case evaluation to another dispute resolution process.