

**Superior Court of California, County of Contra Costa****Alternative Dispute Resolution**

When most people think about what a court does, they think about jury trials. In fact, of the thousands of lawsuits filed in California courts each year, most cases settle without a trial. When people cannot work out agreements on their own, they can consider working with someone who is specially trained to help them explore settlement options or to make decisions about how they will resolve their dispute. The alternatives to litigation are known as Alternative Dispute Resolution or ADR. The ADR choices available through the Contra Costa County Superior Court include:

- Mediation
- Judicial arbitration
- Neutral case evaluation
- Settlement mentor conferences

**Basic Information about Using ADR:**

There are “alternatives” to having a trial to resolve your dispute. Mediation is the leading alternative, but arbitration and neutral case evaluation are also common options. Different ADR processes are designed for different disputes, or different phases of the same dispute, and provide different results. You can choose the process that will best meet your objectives. ADR is used in many different case types including:

- In Family Law, parents who cannot agree on how they will share and divide their parenting responsibilities after separation or divorce must go to mediation before they can go to court
- In Small Claims cases, the court offers day-of-trial mediation for some small claims cases free of charge.
- In Juvenile cases, if referred by the Juvenile Law judge hearing the case.
- In Guardianship cases, if referred by the Probate judge hearing the case.
- In all Limited or Unlimited Jurisdiction Civil cases

**Using ADR BEFORE a court case is filed:**

Before filing a court case, you could try an alternative dispute resolution method. You can find private mediators and arbitrators listed in the telephone directory, or you can do a search on the Internet. Try entering “Mediator” and your City and State. You will find mediators serving your area. There are also non-profit dispute resolution agencies, often with sliding scale fees, that will handle neighborhood, landlord tenant, consumer complaints, and a whole array of other conflicts. In Contra Costa, the different civil ADR processes work as follows:

## **COURT MEDIATION**

Mediation gives you an opportunity and help to explore ways to resolve your dispute.

- A mediator helps you to understand different points of view, explore possible solutions, and create agreements you can all accept.
- To get ready for mediation, you will need to share documents and other information that will help you negotiate an agreement.
- Mediation is confidential, so you can talk openly about issues that may help in resolving the dispute.

**Fee:** The first ½ hour of preparation and the first 2 hours of mediation are free. If you need more time, you must pay the mediator's regular hourly rate.

## **JUDICIAL ARBITRATION**

Arbitration gives you a decision about how your case will be settled.

- An arbitrator is an independent attorney who all parties chose to review the case and write a decision (award.)
- If you disagree with the arbitrator's decision, you can ask for a court trial. If no one asks for a trial, the arbitrator's decision will become a court order.
- You must share documents and present evidence that will prove your case, much like you would in a trial.
- You can decide to settle the case at any point in the process.

**Fee:** Judicial Arbitrators charge the parties \$150 per case or per day.

## **NEUTRAL CASE EVALUATION**

Neutral case evaluation gives you an opinion about what might happen if the case went to court. An independent attorney reviews information the parties provide about their case.

- Evaluators can also help parties develop a plan for managing the case.
- Many people use the information the evaluator gives them to reach an agreement on their own, or with the help of a mediator.

**Fee:** The first ½ hour of preparation and the first 2 hours of evaluation are free. If you need more time, you will need to pay the evaluator's regular hourly rate.

## **SETTLEMENT MENTOR CONFERENCES**

A settlement mentor is an independent attorney who looks for ways to settle the case.

- These conferences are informal and can be scheduled before or on the morning of trial, and often last 2 hours.
- Any information shared with the settlement mentor may be shared with the judge, and the judge can become involved in the settlement discussions.

**Fee:** This program is free.

## **TEMPORARY JUDGE TRIALS**

A temporary judge is an independent attorney parties have chosen to be a judge for just their case. Though not held in a courtroom, these trials are conducted just like any other superior court trial—except there is no jury and the trial cannot last more than 5 days.

- The temporary judge's decision can be appealed to the superior court.
- The parties must provide their own court reporter.

**Fee:** This program is free.