

Superior Court of California, County of Alameda Alternative Dispute Resolution (ADR) Information Packet

The person who files a civil lawsuit (plaintiff) must include the ADR Information Packet with the complaint when serving the defendant. Cross complainants must serve the ADR Information Packet on any new parties named to the action.

The Court *strongly encourages* the parties to use some form of ADR before proceeding to trial. You may choose ADR by:

- Indicating your preference on Case Management Form CM-110. If applicable, when you file your CM-110 file one of the following:
 - Parties seeking early ADR may request a delay of the Initial Case Management Conference (CMC) by filing form ALA ADR-001, Stipulation to Attend Alternative Dispute Resolution (ADR) and Delay the Initial CMC for 90 days.
 - O Parties seeking referral to the Civil and Probate Mediation Panel (CMP) should file with the clerk a Request for Referral to CMP and Proposed Order.
 - Agreeing to ADR at your Initial Case Management Conference.

QUESTIONS? Call (510) 891-6055. Email: adrprogram@alameda.courts.ca.gov Or visit the court's website at www.alameda.courts.ca.gov/general-information/adr

What Are the Advantages of Using ADR?

- Faster Litigation can take years to complete but ADR usually takes weeks or months.
- *Cheaper* Parties can save on attorneys' fees and litigation costs.
- *More control and flexibility* Parties choose the ADR process appropriate for their case.
- Cooperative and less stressful In mediation, parties cooperate to find a mutually agreeable resolution.
- *Preserve Relationships* A mediator can help you effectively communicate your interests and point of view to the other side. This is an important benefit when you want to preserve a relationship.

What Is the Disadvantage of Using ADR?

• You may go to court anyway – If you cannot resolve your dispute using ADR, you may still have to spend time and money resolving your lawsuit through the courts.

What ADR Options Are Available?

• *Mediation* – A neutral person (mediator) helps the parties communicate, clarify facts, identify legal issues, explore settlement options, and agree on a solution that is acceptable to all sides.

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Court Mediation Program: Mediators do not charge fees for the first two hours of mediation.
 If parties need more time, they must pay the mediator's regular fees.

Some mediators ask for a deposit before mediation starts which is subject to a refund for unused time.

- o **Private Mediation**: This is mediation where the parties pay the mediator's regular fees and may choose a mediator outside the court's panel.
- *Arbitration* A neutral person (arbitrator) hears arguments and evidence from each side and then decides the outcome of the dispute. Arbitration is less formal than a trial and the rules of evidence are often relaxed. Arbitration is effective when the parties want someone other than themselves to decide the outcome.
 - O **Judicial Arbitration Program** (non-binding): The judge can refer a case, or the parties can agree to use judicial arbitration. The parties select an arbitrator from a list provided by the court. If the parties cannot agree on an arbitrator, one will be assigned by the court. There is no fee for the arbitrator. The arbitrator must send the decision (award of the arbitrator) to the court. The parties have the right to reject the award and proceed to trial.
 - o **Private Arbitration** (binding and non-binding) occurs when parties involved in a dispute either agree or are contractually obligated. This option takes place outside of the courts and is normally binding meaning the arbitrator's decision is final.

Mediation Service Programs in Alameda County

Low-cost mediation services are available through non-profit community organizations. Trained volunteer mediators provide these services. Contact the following organizations for more information:

Center for Community Dispute Settlement

291 McLeod Street, Livermore, CA 94550

Telephones: (925) 337-7175 | (925) 337-2915 (Spanish)

Website: www.trivalleymediation.com

CCDS provides services in the Tri-Valley area for all of Alameda County.

The Congress of Neutrals

3478 Buskirk Avenue, Suite 1000, Pleasant Hill, CA 94523

Telephone: (925) 937-3008 Website: www.congressofneutrals.org

Their mission is to serve the community, promote harmony and help resolve conflict,

one conversation at a time.

Note: For a list of additional mediation service providers, please contact the ADR Office.

		ALA ADR-001
ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and	address)	FOR COURT USE ONLY
TELEPHONE NO.: E-MAIL ADDRESS (Optional):	FAX NO. (Optional):	
ATTORNEY FOR (Name):		
SUPERIOR COURT OF CALIFORNIA, ALAMEDA COUNT	Y	
STREET ADDRESS:		
MAILING ADDRESS: CITY AND ZIP CODE:		
BRANCH NAME		
PLAINTIFF/PETITIONER:		
DEFENDANT/RESPONDENT:		
	<u> </u>	CASE NUMBER:
STIPULATION TO ATTEND ALTERNATIVE DI AND DELAY INITIAL CASE MANAGEMENT C	SPUTE RESOLUTION (ADR) ONFERENCE FOR 90 DAYS	
INSTRUCTIONS: All applicable boxes must be checked, and the specified information must be provided.		
This stipulation is effective when:		
All parties have signed and filed this stipulation with the Case Management Conference Statement at least 15 days before the		
 initial case management conference. A copy of this stipulation has been received or Fax to (510) 267-5727. 	by the ADR Program Administrator, 24	4405 Amador Street, Hayward, CA 94544,
1. Date complaint filed: An Initial Case Management Conference is scheduled for:		
Date: Time:	Departme	ent:
2. Counsel and all parties certify they have met and conferred and have selected the following ADR process (check one):		
☐ Court mediation ☐ Judicial arbitration		
☐ Private mediation ☐ Private arbitr	ation	
3. All parties agree to complete ADR within 90 days and certify that:		
 No party to the case has requested a complex civil litigation determination hearing; 		
 b. All parties have been served and intend to submit to the jurisdiction of the court; c. All parties have agreed to a specific plan for sufficient discovery to make the ADR process meaningful; 		
d. Copies of this stipulation and self-addressed stamped envelopes are provided for returning endorsed filed stamped copies to		
counsel and all parties; e. Case management statements are submitted with this stipulation;		
e. Case management statements are submitted with this stipulation; f. All parties will attend ADR conferences; and,		
g. The court will not allow more than 90 days to complete ADR.		
I declare under penalty of perjury under the laws of th	e State of California that the foregoinç	g is true and correct.
Date:		
	>	
(TYPE OR PRINT NAME)	(SIGNATURE OF PLAINTIFF)	
Date:		
	>	
(TYPE OR PRINT NAME)	(SIGNATURE OF ATTORNEY FO	R PLAINTIFF)

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT: Date: (TYPE OR PRINT NAME) CASE NUMBER:: CASE NUMBER:: (SIGNATURE OF DEFENDANT) CASE NUMBER:: (SIGNATURE OF DEFENDANT)

(SIGNATURE OF ATTORNEY FOR DEFENDANT)

(TYPE OR PRINT NAME)