

If The Court Has Referred Your Case to CADRe

An Overview of the CADRe Program

PLEASE NOTE: The information on this page is for introductory purposes only. It is not intended to be an exhaustive explanation of all CADRe procedures. Court ADR programs vary substantially from county to county in operating procedures, payment policies, and in other important aspects. The procedure in a nearby superior court may not be the same as the procedure in Santa Barbara Superior Court. CADRe encourages you to carefully review the CADRe program information document for more details.

Referrals to Santa Barbara Superior Court's CADRe program are typically made after the initial Case Management Conference. If the judge refers your case to CADRe, then the first thing CADRe recommends you do is to review the judge's Case Management Conference Order to determine the type of referral. The CMC Order has some very stringent requirements concerning ADR that parties need to be aware of.

Parties should expect the judge to make a determination of the amount in controversy of the case at the initial Case Management Conference. If the judge determines the amount in controversy to not exceed \$50,000.00, then the judge may order the case to Limited Mediation at no (or reduced) cost to the parties, if the parties follow CADRe's mediator assignment procedures.

If the judge orders the case to Limited Mediation, we recommend that all party representatives go to the CADRe office in person or call the CADRe office at 805-882-4661 **immediately** so that CADRe staff can explain program procedures and assign a mediator to the case as quickly as possible. This is because the scheduling of mediations and other ADR processes is the sole responsibility of the parties, not the CADRe office. If you delay in contacting the CADRe office, you risk not being able to complete the mediation by the judge's deadline, and since the mediation assignment is usually made with input from the parties, the mediator you prefer may be available one day but not the next.

Please note that it is important to follow these procedures if you want CADRe to assign a mediator to your case at court expense. If you contact a mediator independently without waiting for a Limited Mediation assignment from the CADRe office first, then the mediator can charge the *parties* the mediator's hourly rate to mediate the case, and the court will not pay for any portion of it, regardless of the amount in controversy. Please refer to A Word About Limited Mediation and the CADRe program information brochure for more information.

If the judge determines that the amount in controversy exceeds \$50,000.00, then the judge may order the parties to participate in "CMADDRESS," which stands for Case Management Alternative Dispute Resolution Early Settlement Session. This order means **trial counsel and their clients** must attend an early settlement session with a mediator assigned by the CADRe office to discuss ADR and to decide if ADR would be helpful in resolving the dispute, and to initiate efforts at early settlement if feasible.

If the judge orders the case to CMADDRESS, then the parties are to call or visit the CADRe office **within ten days** to have the CADRe Director assign a neutral to handle

the CMADRESS session. The parties must then schedule the early settlement session with the assigned neutral. The session must be held within **ninety (90)** days of the date of the order to CMADRESS. **The neutral will charge no fees for the first 1.5 to 2 hours of this session.** If the parties elect to mediate the case with the assigned CMADRESS neutral or with another mediator of their choice, they must make a fee arrangement with the person they select.

Failure to comply with the judge's order to contact the CADRe office or failure to participate in a CMADRESS session may subject the non-complying party and/or attorney to sanctions.

If the case is going to ADR, it is extremely important that you complete and submit the [ADR Stipulation form](#) to the CADRe office as soon as possible after you set the date for the ADR process for accurate record-keeping and to inform the judge about the status of ADR for the case. The stipulation form can be filled out online. This form must be legible and filled-out completely (thus we recommend that you TYPE it), including the date of the ADR process and all required signatures. The court does not accept faintly printed, illegible or incomplete documents, thus CADRe will return faulty documents to you. Feel free to contact the CADRe office if you need assistance with filling out the stipulation form.

Please refer to the program information document for more information. Feel free to contact the CADRe office by phone at 805-882-4661 or by e-mail at cadre@sbcourts.org for further assistance.