

# Superior Court of California County of Santa Barbara

## CADRe

(Court-Administered Dispute Resolution)

## Program Information

### ***DO YOU HAVE A PENDING CIVIL CASE?***

This brochure explains the Santa Barbara Superior Court's CADRe Program. ***CADRe is the Court's Alternative Dispute Resolution (ADR) office. CADRe is not a lawyer referral service nor an investigative or enforcement agency and CADRe staff cannot give legal advice.***

CADRe typically becomes involved in a civil case after the judge refers the case to the program at the first Case Management Conference. CADRe offers litigants a variety of options to enable faster resolution of civil disputes.

### ***WHY DOES THE COURT SUGGEST ADR?***

ADR can be speedier and less costly than litigation. It can permit more participation by the litigants and more flexibility in finding ways to resolve a dispute, resulting in greater satisfaction with the outcome.

ADR is not appropriate for every case, however. It requires the parties to cooperate with each other to end the dispute. It may not be effective if it occurs before the parties have sufficient information to resolve the dispute. There are usually costs associated with using an ADR process and timing guidelines to consider.

The CADRe staff will screen cases for their suitability for ADR, as well as those cases that need a pro bono or reduced-fee arrangement.

The CADRe program began accepting cases in July of 1999. As of April 2005 the program enjoys a total resolution rate of nearly 83%. Comprehensive statistics on the program's performance are available at the CADRe office.

### ***SMALL CLAIMS & CIVIL HARASSMENT CASES***

The court offers mediation of Small Claims and Civil Harassment Restraining Order cases through the Conflict Solutions Center. Any party to a Small Claims or Civil Harassment Restraining Order case can request mediation by calling the Conflict Solutions Center office in Santa Barbara at (805) 963-6765 or in Santa Maria at (805) 349-8943.

### ***ACCESSING THE CADRe PROGRAM***

Before the initial 120-day Case Management Conference (CMC), counsel and their clients are expected to discuss ADR options for the case and complete the *Case Management Statement [CM110]*. This form must be served on the other parties and filed with the court no later than (15) days prior to the CMC.

Referrals to CADRe are usually made at the CMC. The nature of any referral to CADRe will depend on the judge's determination of the amount in controversy at the CMC. If this amount does not exceed \$50,000.00, the judge may order the case to "Limited Mediation." If the amount in controversy exceeds \$50,000.00, the judge may order the case to "CMADRESS."

Whatever the judge orders regarding ADR, the parties can go directly to the CADRe office, or call CADRe at 805-882-4661 for a brief conference. CADRe staff will discuss ADR options and explain program procedures to allow the parties to comply with the judge's order.

### **WHAT IS "CMADRESS?"**

As of July 2005, the civil departments countywide have implemented "CMADRESS" [Case Management Alternative Dispute Resolution Early Settlement Session]. If the judge so orders, **trial counsel and their clients** will be required to attend an early settlement session with a neutral assigned by the CADRe office, usually within 60 days of the date of the judge's order. The neutral will address the potential benefits of ADR for the case and begin efforts at early settlement if indicated. Contact the CADRe office for more information about CMADRESS.

### **CASES INVOLVING \$50,000.00 OR LESS**

If the amount in controversy in the case is \$50,000.00 or less (CCP §1141), CADRe offers:

**Limited Mediation (In Lieu of Judicial Arbitration):** Per Local Rule 1102, cases with an amount in controversy of \$50,000.00 or less that are subject to Judicial Arbitration may instead elect or be ordered to Limited Mediation by the judge.

The CADRe office will assign a mediator to the case, usually with input from the parties. CADRe staff can explain the assignment procedure to you. The first three (3) hours of mediation are provided free of charge to the parties (the court pays the mediator for this time period). Thereafter, the mediator may charge the parties a reduced hourly rate **not to exceed \$125.00 per hour**.

**NOTE: For Limited Mediation, you must always contact the CADRe office first for CADRe to assign a mediator to the case. If you contact a mediator independently without obtaining an LM assignment sheet from the CADRe office first, then you will be expected to pay the mediator's market hourly rate.**

Next, you must contact the assigned mediator and set a mutually-agreeable date for the mediation with all participants and the mediator. **CADRe staff does not schedule the mediation.** Finally, you must deliver to the CADRe office (fax is acceptable as long as the entire document is legible) a completed *Stipulation and Order to ADR Process* form [SC2038]. **Please be sure to include the mediation date information (Item 3).** The stipulation form is incomplete without this date, and CADRe cannot file the form until it is complete. Contact CADRe for help with the stipulation form.

### **CASES INVOLVING OVER \$50,000.00 IN CONTROVERSY (OR AT YOUR OPTION)**

If all parties agree on an ADR process you then select a neutral person to conduct the process.

CADRe maintains five separate panels of neutrals, but you are free to use a non-CADRe neutral if you wish. Comprehensive information on CADRe panelists (including their backgrounds,

qualifications, and styles of practice) is available on the CADRe website at [www.sbcadre.org](http://www.sbcadre.org) OR at the CADRe office. **CADRe does not schedule the ADR process.** You then contact the neutral and arrange a mutually-agreeable date for the ADR process, and then deliver to the CADRe Office (by fax is acceptable if the entire document is legible) a completed *Stipulation and Order to ADR Process* form [SC2038]. **Please be sure to include the process date information (Item 3).** The stipulation form is incomplete without this date, and CADRe cannot file the form until it is complete. Contact CADRe for help with the stipulation form.

***Unless otherwise agreed, litigants will share the cost of the neutral they select.***

If the amount in controversy in the case exceeds \$50,000.00, CADRe offers:

**CADRe Mediation:** The mediator you select helps you negotiate a mutually-acceptable resolution to the case. The mediator does not impose a decision on you, but rather assists you in exploring options for resolution, typically focusing on the parties' interests. The disputants retain total control of the outcome.

Mediation is a confidential process (Evidence Code §1115-1128). Statements made in mediation cannot be repeated in court. The mediator does not communicate with the court except to file a *Statement of Agreement or Non-Agreement* (Form ADR-100).

**Neutral Evaluation (NE):** The neutral you select evaluates the claims and supporting evidence, and offers an assessment of the merits of the case. The evaluator can clarify the central issues in dispute, assist with discovery and motion planning, or with an informal exchange of key information, or even facilitate settlement discussions when requested by the parties. These assessments are not binding, however, equipped with this information, cases frequently settle within a short time after the NE.

**Binding Arbitration:** The neutral you select hears the evidence in your case, makes a determination, and issues an award. Binding arbitration is final. It brings closure with very few rights of appeal.

**Special Master:** The neutral you select works with you to customize an appropriate dispute resolution process to meet your particular needs. Special Master processes can include: settlement conferences with a member of our Settlement Master panel, Discovery Referees to assist in resolving discovery disputes in complex cases, Judges Pro Tem to serve as adjudicators, Private Judges for private mini-trials, or any custom process the parties choose to design.

### ***TIMING GUIDELINES, CODES & RULES***

Under Local Rule 1102, parties are to complete and return the ADR Stipulation to the CADRe office within ten (10) days of either the CADRe conference or the Case Management Conference where the judge referred the case to the CADRe program.

The ADR process should be completed within sixty (60) days after filing the ADR stipulation unless otherwise permitted by the judge.

Within ten (10) days after the final ADR session, the neutral will file a *Statement of Agreement or Non-Agreement* (Form ADR-100) with the court via the CADRe office, and will serve it on all parties [refer CRC 3.875].

**NOTE: It is the mediator's sole responsibility to serve the ADR-100 document on the parties and file the original with the court. The parties are not responsible for serving or filing the ADR-100, but they must still file the usual settlement documents if the mediation ends in agreement [CRC 3.1385]. The mediator's ADR-100 does not take the place of the parties' Notice of Settlement or Request for Dismissal.**

Parties in mediation retain the right to obtain discovery to the extent available under the Civil Discovery Act of 1986 (CCP §1775.11).

Mediation is a confidential process. Statements made in mediation cannot be repeated in court. (CA Evidence Code §1115-1128). **Mediation briefs should ONLY be sent to the mediator and NOT filed with the court** (CA Evidence Code §1119).

### **MEDIATION ATTENDANCE**

#### **CALIFORNIA RULES OF COURT, RULE 3.874 (APPEARANCE AT MEDIATION SESSIONS)**

The parties shall personally appear at the first mediation session, and at any subsequent session unless excused by the mediator. When the party is other than a natural person, it shall appear by a representative with authority to resolve the dispute or, in the case of a governmental entity that requires an agreement to be approved by an elected official or legislative body, by a representative with authority to recommend such agreement. Each party is entitled to have counsel present at all mediation sessions that concern it, and such counsel and an insurance representative of a covered party also shall be present or available at such sessions, unless excused by the mediator. (*Adopted, eff. March 1, 1994*)

### **SANTA BARBARA SUPERIOR COURT CADRe RULE**

#### **SANTA BARBARA SUPERIOR COURT, RULE 1102 COURT ADMINISTERED DISPUTE RESOLUTION (CADRe)**

**a. [Service and Filing]** As part of the service and proof of service of complaints, the plaintiff(s) shall include a copy of the *Court Administered Dispute Resolution (CADRe) Program Information* and a *Stipulation and Order to Alternative Dispute Resolution (ADR) Process* form per CRC 3.221(c). Not later than fifteen (15) days before the 120-day Case Management Conference prescribed by Rule 1309(d) of this Court, all counsel shall file with the court a completed *Case Management Statement [CM-110]* and serve it on all other parties. At the Case Management Conference, the Court will make a determination of the amount in controversy, in the manner provided by Section 1141.16 of the Code of Civil Procedure.

**b. [ADR Consultation]** At the court's discretion, counsel and parties may be required to attend a consultation with the staff of the Court's CADRe Program within ten (10) days of the 120-day Case Management Conference or as otherwise directed by the court. Parties and counsel shall be fully prepared to discuss with the court and CADRe staff the appropriate dispute resolution method(s) for the case.

**c. [Timing, Disposition and Reporting]** If an ADR process is selected, counsel shall file with the court a fully-executed *Stipulation and Order to Alternative Dispute Resolution (ADR) Process* form within ten (10) days after the later of either:

- (i) the 120- day Case Management Conference, or
- (ii) the CADRe Consultation, indicating their participation in an ADR process.

**SANTA BARBARA SUPERIOR COURT, RULE 1102, continued**

The parties shall conduct the ADR process within sixty (60) days of filing the ADR Stipulation, unless otherwise agreed to by the court. The Neutral shall file with the court a *Statement of Agreement or Non-Agreement [ADR-100]* within ten (10) days of the final ADR session. All reports to the Court by any mediator shall strictly comply with Section 1115 et. seq. of the California Evidence Code, regarding disclosure of confidential or privileged information.

Cases that do not resolve through the use of an ADR process shall proceed to trial in accordance with these rules. Participation in an ADR process shall not affect time periods specified in the Trial Court Delay Reduction Act. Upon any settlement or other disposition of a case, other than by trial, wherein an ADR process has occurred or is pending, notice of such disposition shall be given to all parties, to the Court, to the arbitrator or other ADR neutral involved in the case, and also to the Court's CADRe Program, in the manner required by Rule 3.1385 of the California Rules of Court.

**d. [Mediation in lieu of Judicial Arbitration]** Civil cases with an amount in controversy of \$50,000.00 or less that are subject to Judicial Arbitration (CCP §1141 et. seq.) may be ordered to Limited Mediation in lieu of Judicial Arbitration (CCP §1775 et. seq.) at the request of the parties or the discretion of the court.

*(Adopted 01-01-98. As amended, eff. 01-01-05)*

**THE CADRe WEBSITE – [www.sbcadre.org](http://www.sbcadre.org)**

Please visit the CADRe website at [www.sbcadre.org](http://www.sbcadre.org). There you will find comprehensive information on all of the CADRe neutrals, and a listing of panelists by areas of expertise.

The site also includes all of the applicable rules and code sections. Also, all forms referred to in this brochure are available on the site in editable PDF format. The site also contains published articles of interest.

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**Santa Barbara Superior Court  
CADRe Program  
Vance Saukko, CADRe Director**

**E-Mail: [cadre@sbcourts.org](mailto:cadre@sbcourts.org)  
Website: [www.sbcadre.org](http://www.sbcadre.org)**

**In Santa Barbara:**

**Santa Barbara Superior Court  
1100 Anacapa Street  
Santa Barbara, CA 93101  
805-882-4661  
805-882-4613 (fax)**  
*(In Family Court Services, ground floor, near Dept. 6)*

**In Santa Maria \***

**Santa Barbara Superior Court  
312-C East Cook Street  
Santa Maria, CA 93454  
805-614-6555  
805-614-6616 (fax)**  
*(In the Cook Division Civil Clerk's Office)*  
**\*Please call for hours & availability.**

ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME AND ADDRESS):	TELEPHONE NO.:	<i>FOR COURT USE ONLY</i>
ATTORNEY FOR (Name):		
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA BARBARA</b>		
STREET ADDRESS:		
MAILING ADDRESS:		
CITY AND ZIP CODE:		
BRANCH NAME:		
PLAINTIFF/PETITIONER:		
DEFENDANT/RESPONDENT:		
<b>STIPULATION AND ORDER TO ALTERNATIVE DISPUTE RESOLUTION (ADR) PROCESS</b>		CASE NUMBER:
		ASSIGNED JUDGE:

MANDATORY SETTLEMENT CONFERENCE DATE (if applicable): \_\_\_\_\_

This fully executed stipulation must be returned to the CADRe office by: \_\_\_\_\_ (Fax 805-882-4613)

**1. STIPULATION REGARDING ALTERNATIVE DISPUTE RESOLUTION:**

The parties hereby stipulate that all claims in this action shall be submitted to the following ADR process and the parties will appear at such hearing with persons having full authority to resolve the dispute pursuant to California Rules of Court, Rule 3.874:

- a. Amount in Controversy is \$50,000.00 or under:
  - Judicial Non-binding Arbitration (CCP 1141.12)
  - Limited Mediation with Mediator Assigned by the CADRe Office (CCP 1775)
- b. Amount in Controversy exceeds \$50,000.00:
  - Binding Arbitration
  - CADRe Mediation
  - Neutral Evaluation
  - Special Master
  - Other: \_\_\_\_\_

**2. THE ADR PROCESS WILL BE CONDUCTED BY:**

Neutral's Name: \_\_\_\_\_ Phone: \_\_\_\_\_

**3. THE MEDIATION (OR OTHER ADR PROCESS) WILL OCCUR ON (mm/dd/yy):** \_\_\_\_\_

**4. PARTY REPRESENTATIVES:**

X _____ For Plaintiff: Name: _____  Address: _____  City/St/Zip: _____  Tel / Fax: _____  E-Mail: _____	X _____ For Defendant: Name: _____  Address: _____  City/St/Zip: _____  Tel / Fax: _____  E-Mail: _____
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(If additional signatures are required, please attach an additional signature page)

**IT IS SO ORDERED PURSUANT TO THE ABOVE STIPULATION:**

Date: \_\_\_\_\_

\_\_\_\_\_  
 Judge of the Superior Court