

# Daily Journal

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— SINCE 1888 —

OFFICIAL NEWSPAPER OF THE CITY OF LOS ANGELES AND

June 27, 2005

## Prominent Mediator Quits Panel

### Kichaven Claims Misuse of State-Funded Pro Bono Program

By Blair Clarkson

Daily Journal Staff Writer

With discontent growing in the professional mediation community, a prominent attorney resigned Wednesday from the Los Angeles Superior Court's pro bono mediation panel, claiming the court is misusing a state-funded program designed to help poor litigants settle small claims.

Jeff Kichaven, president of the Southern California Mediation Association, joins a number of frustrated mediators who argue that the court is wrongly allowing well-heeled law firms and Fortune 500 companies that are more than capable of paying for private mediation services to settle million-dollar claims free.

Critics claim the court's pro bono system is being exploited, to the financial detriment of private mediators.

The frustrated mediators say they believe the program has served its purpose of introducing the litigation community to mediation techniques and should be disbanded or retooled to focus on the juvenile and mental health courts that are in greater need of funding.

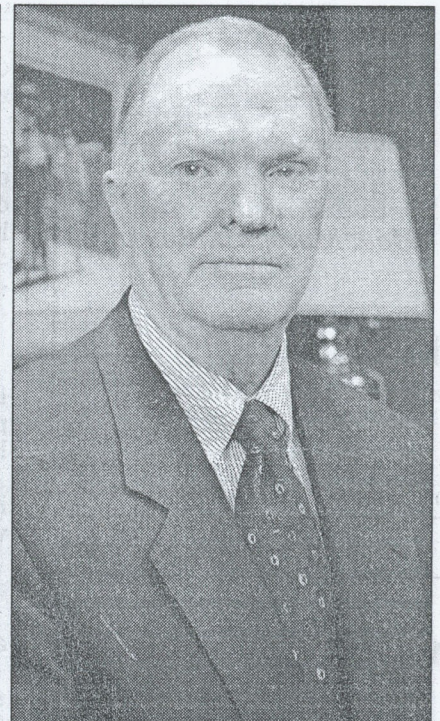
But court officials contend the mediation service is doing exactly what the Legislature intended when it shaped the current resolution service in 1994: providing greater public access to mediation services regardless of client means by offering the pretrial settlement opportunity to those who request it.

"From the court's point of view, we have been providing access as directed," said William A. MacLaughlin, Los Angeles Superior Court's presiding judge. "Whether it's a Fortune 500 company or a person with limited funds, ... they're entitled to use of the court's programs. There is no means test."

MacLaughlin added, "Any complaint



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Mediator Jeff Kichaven, left, has resigned from the pro bono mediation panel of the L.A. Superior Court, of which William A. MacLaughlin, right, is presiding judge.

that private industry is taking advantage of the system may be true in limited circumstance, but I doubt there is any widespread abuse."

Nevertheless, some mediators have discussed a plan to resign en masse from the court panels, citing dissatisfaction with the court's unwillingness to resolve their issues.

Court spokesman Allan Parachini acknowledged that 17 mediators have permanently resigned and 26 others went temporarily inactive in the last three months, but he said that such periods of frequent turnover were common and not a trend.

Parachini cited busy calendars, vacations, retirements, changes in practice and office relocations as reasons for the "totally normal turnover."

He also said the court has added 230 new panelists since April, offsetting the recent departures.

"There is simply no evidence that mediators are abandoning the court's program," Parachini said.

Full-time mediators contend the court simply is tapping an unlimited supply of inexperienced mediators willing to offer services pro bono for the exposure.

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