

Richard Bayer, Esq.

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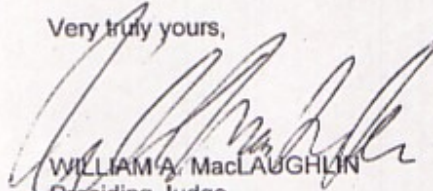
May 17, 2005

the stipulation of the parties. At no time has the Legislature or the Judicial Council established any means test as a prerequisite to eligibility for court provided ADR, and it would be inconsistent with the policy promoting access to do so.

Consistent with legislative intent and findings, our judges encourage litigants in civil cases to consider and use mediation and parties and counsel usually request assignment to one of the Court's mediation programs. We regularly remind our judges of the limitations as well as the circumstances in which larger cases may be ordered to mediation and will continue to do so, but should a judge overstep his or her authority under the circumstances of a particular case, the parties and counsel are in the best position to request an alternative.

The efficacy of ADR seems beyond question at this time and California is indeed fortunate to have available the services of many accomplished professional neutrals, a number of whom are represented by your organization, in addition to a Judicial Branch that is committed to access and service to the public which, with the assistance of the legal community, we have been able to provide.

Very truly yours,



WILLIAM A. MacLAUGHLIN
Presiding Judge

WAM:wp

c: Hon. Helen Bendix, Chair/ADR Committee
Julie Bronson, Administrator/Alternate Dispute Resolution