



The Superior Court

LOS ANGELES, CALIFORNIA 90012

CHAMBERS OF

WILLIAM A. MACLAUGHLIN

PRESIDING JUDGE

May 17, 2005

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President, California Dispute
Resolution Council
P.O. Box 177
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Dear Mr. Bayer:

Thank you for your letter of May 4, 2005, and the suggestions and comments contained therein. The court shares the views of the California Dispute Resolution Council as to the public benefits of mediation and alternative dispute resolution.

The inception of the pilot project in the Los Angeles Superior Court was the result of a collaborative effort of the Court, bar organizations, and professional neutrals, and has been supported by numerous organizations, including yours. The resulting program, devised to expand the Court's public service, has been very successful and well received by those we serve. In appropriate cases, mediation provides parties with greater access through a simplified and economical procedure for obtaining prompt and equitable resolution of their disputes and reduces the inventory of cases that must be resolved through a more costly and time-consuming trial process. In short, it has served the objectives of the Legislature and the Judicial Council.

It is thus unfortunate that the success in attaining these objectives of public service and access is now perceived by you as having adversely affected the for profit activities of your membership and being in conflict with the private policies your organization promotes on behalf of its members. The organizers of our mediation program recognized the possible dilemma caused by the legislative directive that it be mandatory and responded by drafting the self-determination principles carefully. While the Legislature also limited mandatory participation to cases not exceeding \$50,000 in value, it did not limit the possibility of additional mediation services and other forms of ADR. Thus, it stated, in Code of Civil Procedure Section 1775(f) that "[t]he purpose of this title is to encourage the use of court-annexed alternative dispute resolution methods in general, and mediation in particular." It further stated, in Code of Civil Procedure Section 1175.13, that its intent was "that nothing in this title be construed to preempt other current or future alternative dispute resolution programs operating in the courts." In keeping with these statements of intent, the Judicial Council has further directed, in CRC Rule 1631(a)(2), that the courts may order cases of a value in excess of \$50,000 to mediation upon