

Multi-Option ADR Project Evaluation Report July 2007 – July 2008



Superior Court of California
County of San Mateo

Report Prepared by:
ADR Staff
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MISSION STATEMENT
MULTI-OPTION ADR PROJECT, "M.A.P."
A PARTNERSHIP OF THE SAN MATEO COURT, BAR & COMMUNITY

- ✓ To increase the court's ability to resolve cases.
- ✓ To provide a flexible, tailored array of dispute resolution services, where the unique features of cases are given priority attention.
- ✓ To encourage early case analysis and preparation, with the benefits of saving both time and money.
- ✓ To promote greater public satisfaction with the civil and criminal justice systems.
- ✓ To promote the usefulness of ADR to members of the public through educational efforts.

Introduction to the Report

The Multi-Option ADR Project (M.A.P.) has been in existence since 1996, and originally provided ADR services just to general civil cases. As a result of the civil program's success, M.A.P. has expanded to include both new and existing programs related to Appropriate Dispute Resolution "ADR". Outlined in the chart below are the six primary programs that are part of M.A.P. and a brief description of each.

History/ Background

The Multi-Option ADR Project (M.A.P.) is a partnership of the court, bar and the community. ADR stands for Appropriate Dispute Resolution and encompasses several processes that are an alternative to litigation such as mediation, private arbitration and neutral evaluation. Formed in 1996, with start-up funding from the San Mateo Bar Association, M.A.P. has expanded from a civil ADR program to providing ADR services in the small claims, family and juvenile courts. MAP's umbrella includes referral of probate, complex litigation and judicial arbitration matters as well.

ADR Programs.	Voluntary or Mandatory	Process Available	Types of Neutrals	Cost
Civil/ Probate/ Complex Litigation	<ul style="list-style-type: none"> ✓ Mandatory assessment ✓ Voluntary referral 	<ul style="list-style-type: none"> ✓ Mediation ✓ Arbitration ✓ Neutral evaluation ✓ Hybrids 	<ul style="list-style-type: none"> ✓ Attorney mediators ✓ Non-Attorney mediators ✓ Private judges ✓ Community Referrals 	<ul style="list-style-type: none"> ✓ Market Rate ✓ Pro bono and modest means (income-based) screening available
Family Law	<ul style="list-style-type: none"> ✓ Voluntary 	<ul style="list-style-type: none"> ✓ Mediation ✓ Arbitration 	<ul style="list-style-type: none"> ✓ Attorney neutrals ✓ Court staff (limited) 	<ul style="list-style-type: none"> ✓ First 90 minutes \$100 ✓ Market rate after first 90 minutes ✓ Staff-free
Small Claims	<ul style="list-style-type: none"> ✓ Voluntary 	<ul style="list-style-type: none"> ✓ Mediation 	<ul style="list-style-type: none"> ✓ Volunteers 	<ul style="list-style-type: none"> ✓ Free
Judicial Arbitration	<ul style="list-style-type: none"> ✓ Voluntary by stipulation of plaintiff/all ✓ Mandatory by statute 	<ul style="list-style-type: none"> ✓ Arbitration (non-binding) 	<ul style="list-style-type: none"> ✓ Attorneys 	<ul style="list-style-type: none"> ✓ Free to parties ✓ Arbitrators paid \$150 per session by court
Juvenile Dependency	<ul style="list-style-type: none"> ✓ Emphasis on voluntary opt-in but can be mandated by statute 	<ul style="list-style-type: none"> ✓ Mediation 	<ul style="list-style-type: none"> ✓ Volunteers 	<ul style="list-style-type: none"> ✓ Free
Juvenile Delinquency	<ul style="list-style-type: none"> ✓ Voluntary 	<ul style="list-style-type: none"> ✓ Mediation 	<ul style="list-style-type: none"> ✓ Volunteers 	<ul style="list-style-type: none"> ✓ Free

CIVIL ADR PROGRAM

The Civil ADR Program acts as an ADR resource for litigants, giving them an early opportunity to resolve their dispute before making a substantial financial and emotional commitment to the litigation process. Case management judges and M.A.P. staff encourage attorneys and parties to meet with a trained neutral to discuss their case and different settlement options. The program maintains panels of highly qualified mediators, binding arbitrators and neutral evaluators who provide their services to parties at market rates. For litigants who have difficulty affording ADR services, fee waivers and reduced fees can be arranged after an income-based screening is conducted.

M.A.P. Civil Referral Process

Parties may consider utilizing ADR from the time they first file their lawsuit to as late as a few weeks before their trial. M.A.P. staff encourages parties to participate in ADR early in the litigation process so as to best reap the potential benefits of the process (e.g., time and cost savings, greater control over the outcome of their case, etc.). However, within the confines of keeping trial dates in compliance with Fast Track the specific timing of the ADR session is left up to the parties, as they best know when they feel fully prepared for serious settlement negotiations and/or a productive session.

In general civil cases, most attorneys and parties consider voluntary ADR when the subject is addressed at their initial case management conference hearing 120 days generally after the filing of the complaint. Either with the direction from the court or having expressed interest, the attorneys and parties meet with M.A.P. staff who provide them with information about the court's program. Parties are free to select one of approximately 125 program panelists or a neutral who is unaffiliated with the court's program. Parties schedule the ADR session directly with the neutral's office and then, within 21 days of meeting with M.A.P. staff, are required by local court rule to file a Stipulation and Order to ADR, notifying the court of the neutral selected and the date of the ADR session.

Evaluation Scope and Survey Methodology

Since M.A.P. now has several years' worth of statistical data for the Civil ADR Program and because of increasing demands on staff, we chose to evaluate only one quarter's worth of data: October 1, 2007, through December 31, 2007. This provides us with a snapshot of how the Civil ADR Program is being utilized and received by attorneys and parties.

During the surveyed quarter, there were a total of 170 referrals to the program (while there were a total of 741 referrals for the entire fiscal year 2008). From surveys sent (see Appendix A), we received responses from 96 of the 170 cases. Therefore, the charts and data here represent data collected from the 96 cases. Even though there was a significant response, as in previous years, we believe that the survey is illustrative rather than comprehensive. The survey does not include a host of cases where parties utilized ADR without direct referral assistance from M.A.P. staff, but were encouraged to do so through the ADR materials distributed at the time of filing.

The survey is broken down into three major components: 1) case status; 2) quantitative statistics of ADR sessions; and 3) participant satisfaction with the ADR process. Case status indicates how disputes were resolved, either by using or not using ADR. The quantitative statistics include such issues as the timing of the ADR session, case type, the ADR process utilized, length of session, etc. The final component of the survey addresses satisfaction rates and benefits derived as a result of parties' participation in the process.

As part of M.A.P.'s mission to promote the use and effectiveness of ADR, the report includes a comparison of data from previous years' reports. However, the time periods are not always comparable (e.g., some reports include a full year's worth of data, while others include one or two quarters' worth of data). The comparison represents an effort to analyze trends. Percentages are used instead of raw numbers as a way to take into account the different sample sizes from the prior years' reports. (Please note that there are a few instances where not all percentages add up to 100%. This is due to minor variances in decimal calculations.)

Case Status

Number of Cases Using ADR

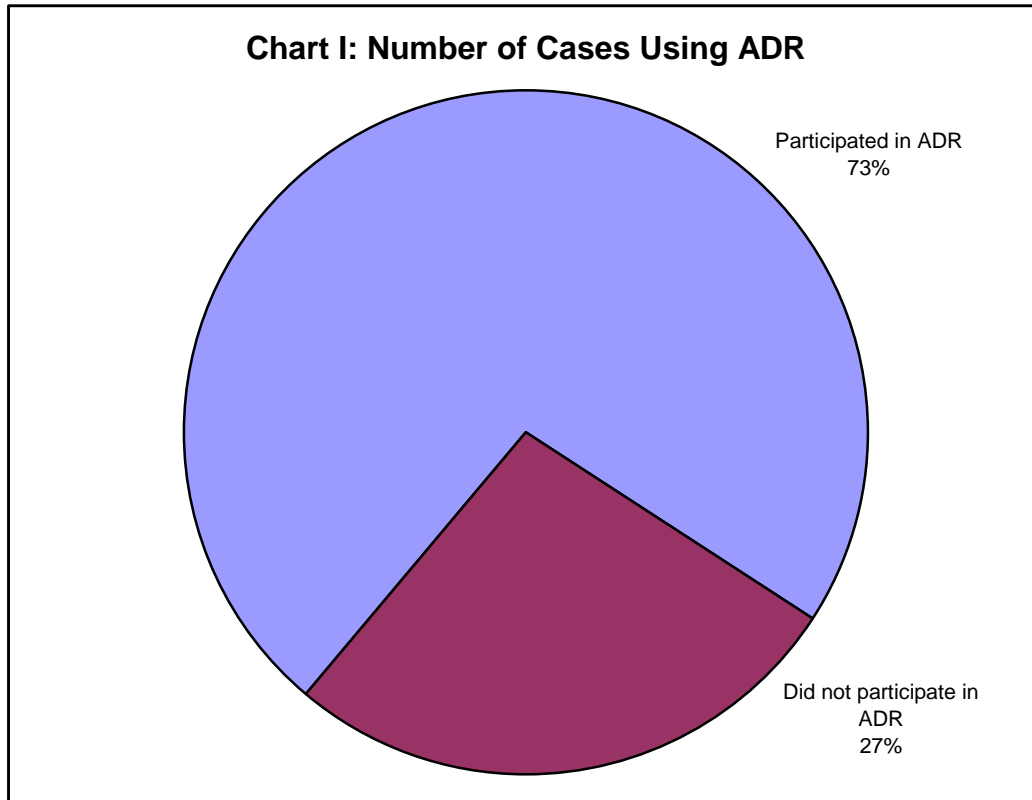


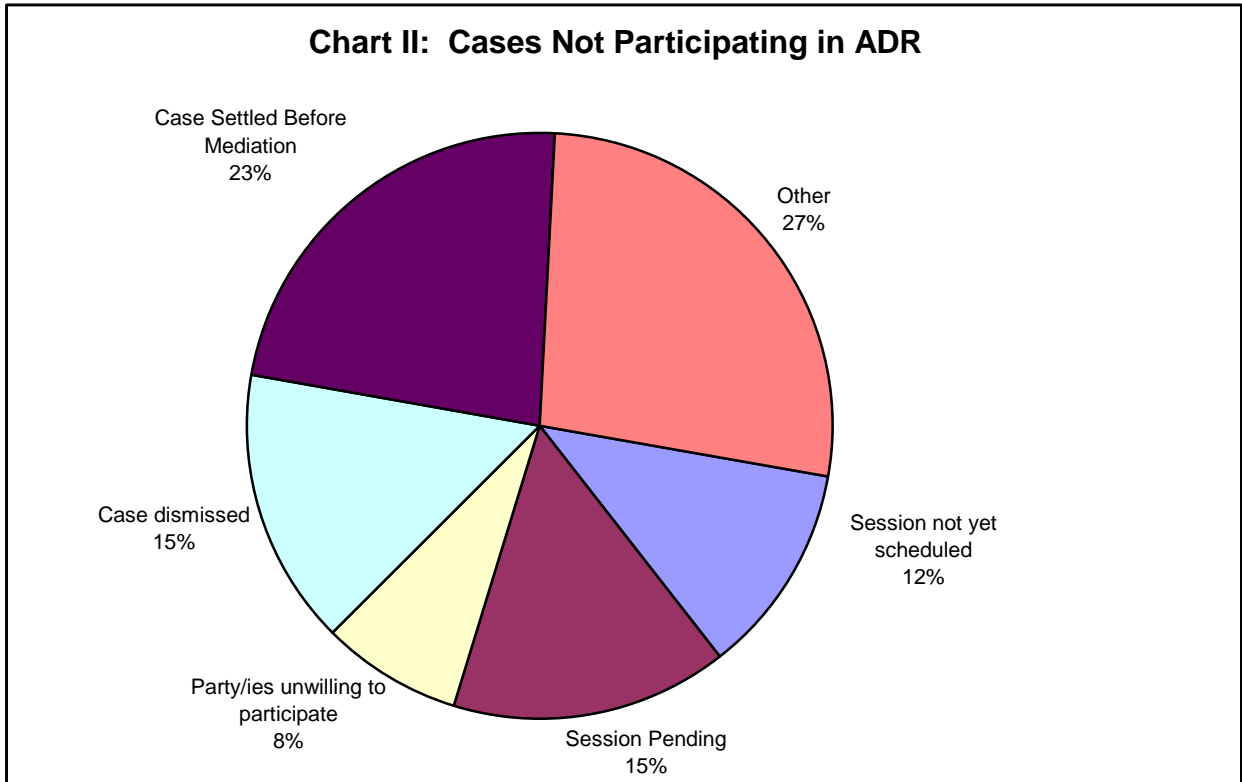
Chart I, above, represents the percentage of referred respondents that used ADR, which has increased about 10% over the last seven years. (Table I). This high rate of follow through also illustrates the parties' commitment to utilizing ADR when it is first considered at their case management conference hearing.

Table I: Comparison of ADR Participation

	% of Cases in 1998-1999	% of Cases in 1999-2000	% of Cases in 2000-2001	% of Cases in 2001-2002	% of Cases in 2002-2003	% of Cases in 2003-2005	% of Cases in 2007-2008
Participated in ADR	61%	64%	70%	62%	72%	73%	73%
Did not participate in ADR	32%	31%	30%	38%	28%	27%	27%
Scheduled Initial/Future Session/	7%	5%	—	—	—	—	—

The 12% increase of cases (between 1998 to present) participating in ADR may be attributable to several factors: 1) the addition of an Order to Show Cause ("OSC") calendar which is scheduled when parties fail to file the required Stipulation and Order to ADR with the court; 2) ADR staff emphasizing the need for parties to follow through with their ADR session; 3) ADR staff facilitating communication between the parties when necessary; and 4) the wider acceptance of ADR, in general, among parties and the legal community.

Cases Not Participating in ADR



28% of survey participants, or approximately 26 responses, did not participate in ADR. Chart II, above, depicts the resolution of those cases not participating in ADR. Of these, 23% settled their cases without the use of ADR. 15% of cases were dismissed. 12% of the cases had not yet scheduled the session. 15% of the cases had the mediation pending. Other methods, such as bankruptcy and summary judgment/adjudication motions, disposed of 27% of cases. Although parties may be initially reluctant to try ADR, parties in only 8% of cases ultimately refused to proceed with the process.

Table II, on the next page, outlines the cross-year comparison for cases that did not use ADR. For the period of 2003-2005, there were a greater percentage of survey participants who settled without an ADR session.

Table II: Comparison of Cases Not Using ADR

Case Status	% of Cases in 1998-1999	% of Cases in 1999-2000	% of Cases in 2000-2001	% of Cases in 2001-2002	% of Cases in 2002-2003	% of Cases in 2003-2005	% of Cases in 2007-2008
Session not yet scheduled	9%	24%	9%	14%	9%	5%	12%
Session Pending	—	—	—	11%	11%	—	15%
Party/ies unwilling to participate	10%	7%	14%	7%	9%	6%	8%
Settled without ADR session	52%	43%	28%	34%	40%	53%	23%
Case dismissed	9%	6%	19%	17%	20%	18%	15%
Other	20%	20%	30%	17%	11%	18%	27%

Resolution of Cases Participating in ADR

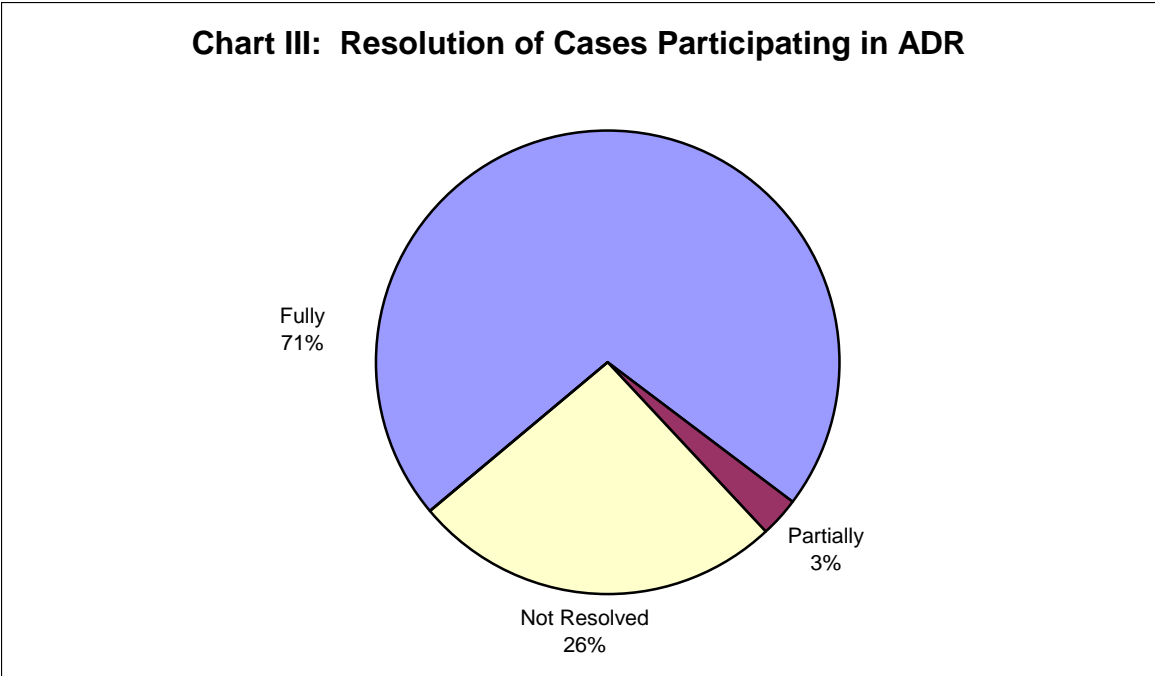


Chart III, above, depicts the resolution of the cases. 71% of cases said ADR settled all issues, 3% settled partially and 26% did not settle (See also Table III).

Table III: Comparison of Settlement Rates

Case Settlement Status	% of Cases in 1998-1999 (Full Year)	% of Cases in 1999-2000 (Full Year)	% of Cases in 2000-2001 (Full Year)	% of Cases in 2001-2002 (Full Year)	% of Cases in 2002-2003 (1 Quarter)	% of Cases in 2003-2005 (2 Quarters)	% of Cases in 2007-2008 (1 Quarter)
Settled in ADR session	60%	62%	73%	75%	62%	67%	71%
Settled partially in ADR session	3%	3%	6%	4%	7%	6%	3%
Did not settle in ADR session	28%	28%	21%	21%	31%	27%	26%
Other (Dismissed/ Settled by other means)	9%	7%	—	—	—	—	—

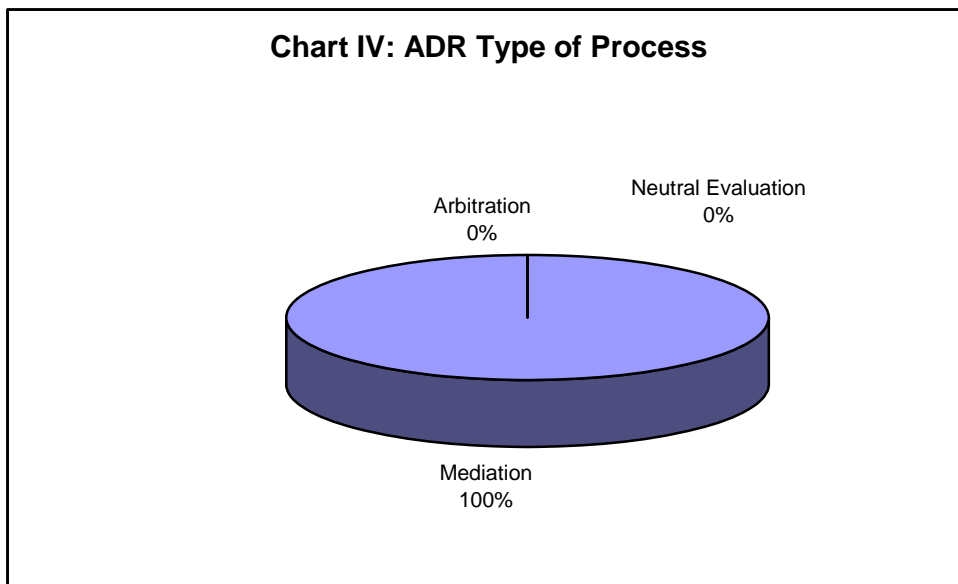
While 19.7% more cases have gone to mediation since 1998 (see Table I), there has also been an increase in the settlement rate. As Table III illustrates, the settlement rate for fully and partially settled cases while varying from year to year, has increased approximately 16% since 1998.

Quantitative Evaluation of M.A.P. Referrals

The second component of the survey analyzes cases in which parties participated in the M.A.P. referral process. The data collected represents the range of information about a dispute from when it was resolved to the amount of time the process took.

ADR Process Used

Chart IV shows the type of ADR process chosen. As mentioned earlier, 100% of cases responding participated in ADR (70 responses). Although not responding to our survey this quarter we mentioned our records show 1 Arbitration and 3 Neutral Evaluations. Once again, mediation was, by far, the most commonly used form of ADR, perhaps because of the flexibility and non-binding nature of the process.



The figures from previous annual reports evidence similar results as outlined in Table IV below.

Table IV: Comparison of Type of ADR Process Used

Process Used	% of Cases in 1998-1999	% of Cases in 1999-2000	% of Cases in 2000-2001	% of Cases in 2001-2002	% of Cases in 2002-2003	% of Cases in 2003-2005	% of Cases in 2007-2008
Mediation	88%	88%	96%	97%	95%	97%	100%
Neutral Evaluation	5%	3%	1%	2%	2%	2%	—
Arbitration	3%	2%	2%	0	1%	1%	—
Other	4%	7%	1%	1%	2%	0	—

Types of Cases

Chart V: Case Type

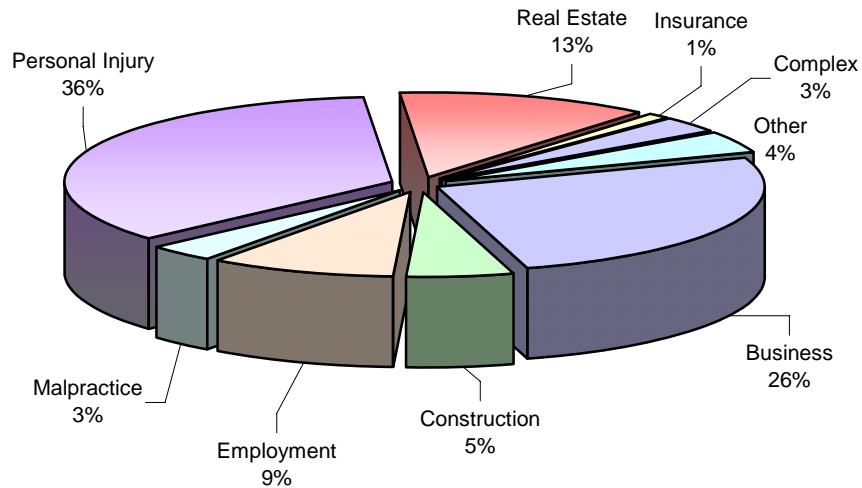


Chart V, above, depicts the types of cases that most frequently used ADR. Personal injury and business disputes were the most frequent, followed by real estate and employment cases.

These are the first survey results that reflect the complex litigation cases now coming through the program. (For more detailed information on complex litigation cases, see page 25 of this report.) However, this chart no longer includes the number of probate cases handled by the program as a percentage of the total number of cases referred to the Civil ADR Program. Rather, the Probate ADR Program is now a stand-alone program with its own local rules, panelist list, policies and procedures. (For evaluation data on the Probate ADR Program, see page 26 of this report.)

Table V: Comparison of Case Types

Dispute Type	% of Cases in 1998-1999	% of Cases in 1999-2000	% of Cases in 2000-2001	% of Cases in 2001-2002	% of Cases in 2002-2003	% of Cases in 2003-2005	% of Cases in 2007-2008
Personal Injury	30%	20%	31%	41%	45%	30%	36%
Business	11%	19%	31%	30%	27%	36%	26%
Real Estate (Including Eminent Domain)	18%	15%	17%	13%	8%	6%	13%
Other*	14%	24%	6%	4%	4%	9%	4%
Construction	13%	9%	2%	2%	5%	1%	5%
Employment	10%	7%	9%	6%	7%	8%	9%
Malpractice (Including Legal, Dental, Medical)	4%	6%	4%	4%	4%	3%	3%
Insurance						2%	1%
Complex							3%

*Other includes: Neighbor, Landlord/Tenant, Damages, Property Damage, Civil Complaint, Municipal/Unlawful Detainer, TRO, Environmental.

In the period surveyed, there was a significant increase in the number of personal injury cases coming through the program. There was also a notable decrease in the number of breach of contract cases.

Phase in Dispute When ADR Used

Chart VI depicts when cases participated in ADR. The trend is toward ADR intervention earlier in the life of a case, as opposed to after significant discovery has been completed.

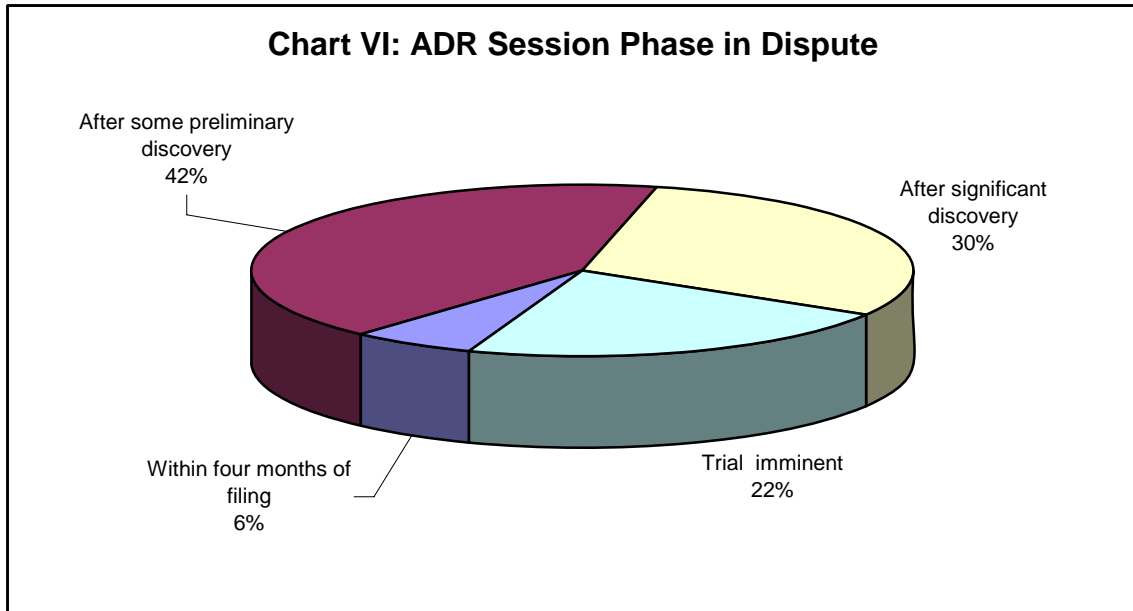


Table VI: Comparison of Phase in Dispute

Phase in Dispute	% of Cases in 1999-2000	% of Cases in 2000-2001	% of Cases in 2001-2002	% of Cases in 2002-2003	% of Cases in 2003-2005	% of Cases in 2007-2008
Within 4 months of filing	15%	8%	6%	3%	9%	6%
After some preliminary Discovery	45%	38%	45%	42%	43%	42%
After significant Discovery	20%	32%	28%	38%	27%	30%
Trial was imminent	20%	22%	21%	17%	20%	22%

Number of Sessions and Hours

Charts VII and VIII depict the number and duration of ADR sessions. 82% resolved (settled or not settled) in one session. 64% of these sessions lasted 5 hours or less, 35% required more time. These figures are roughly comparable to previous evaluation periods. For example, 2003-2005 data shows it took an average of 1.2 sessions of 4.9 hours duration. The disparity between plaintiff's and defendant's attorneys in chart VIII may be attributable to them estimating the same case with a one hour difference.

Chart VII: Number of Sessions

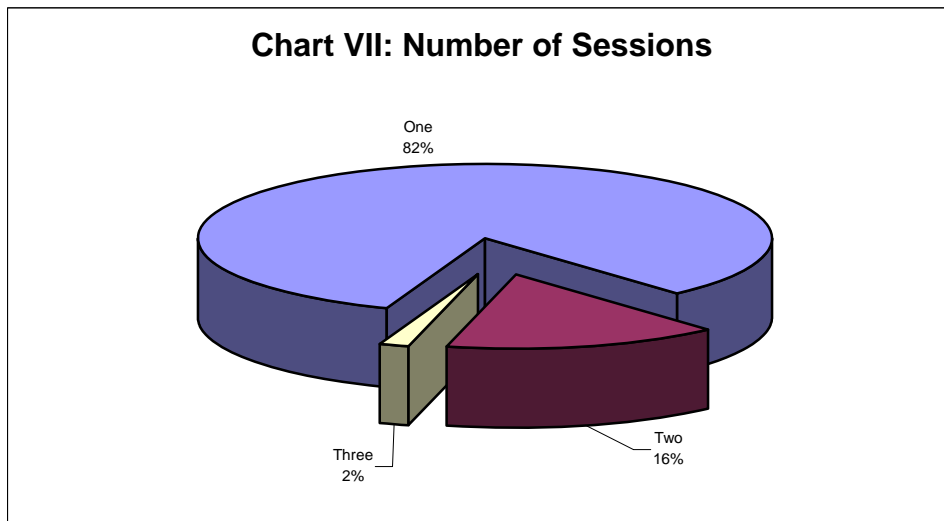
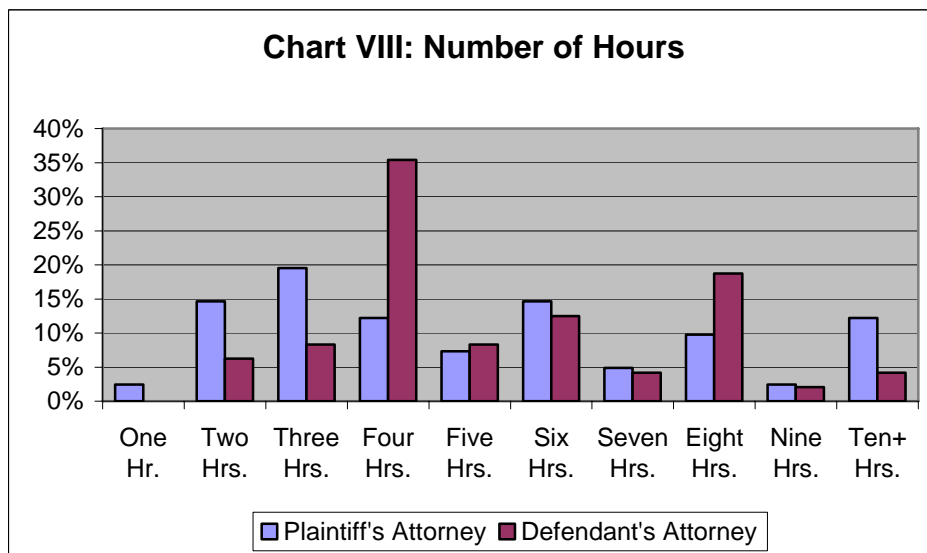
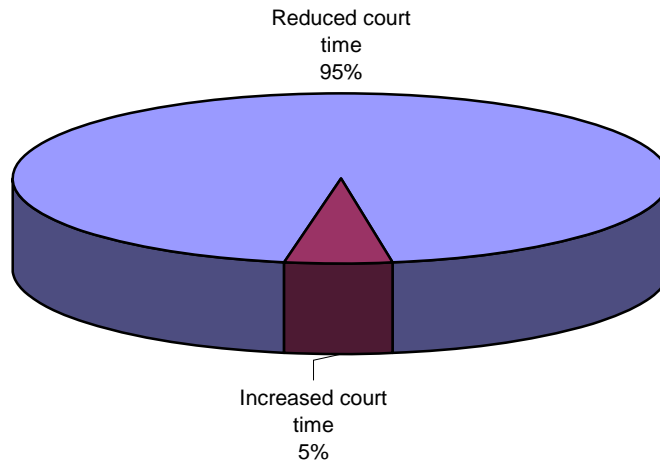


Chart VIII: Number of Hours



Effect on Court Time and Cost

Chart IX: Effect on Court Time

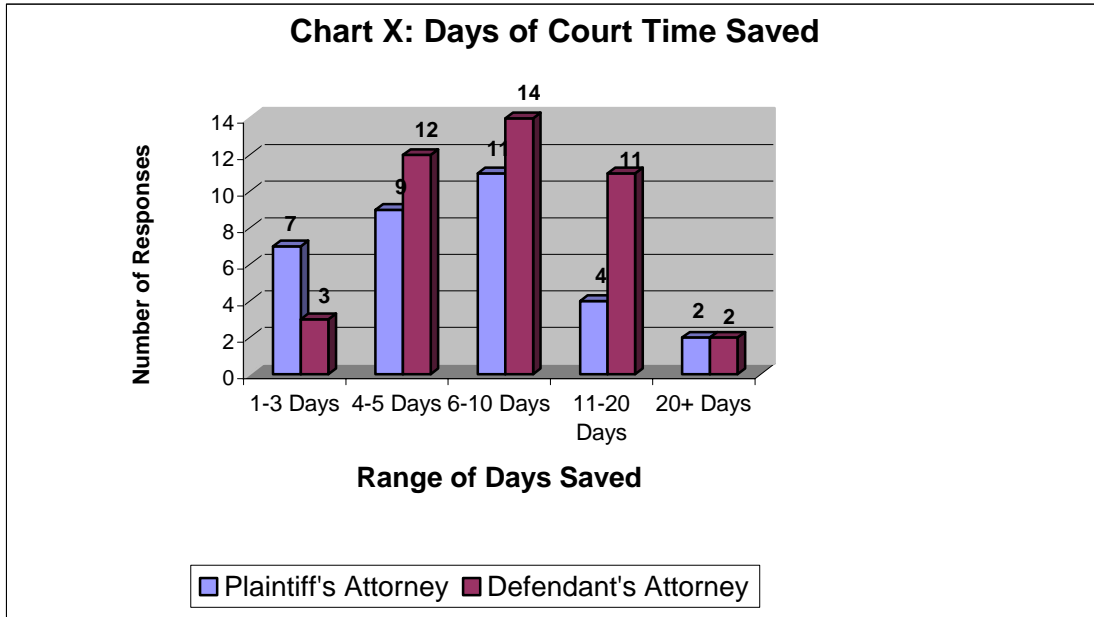


As reported in previous years, respondents largely viewed ADR as a time and money saving device. The overwhelming majority of those surveyed believed that ADR reduced court time. This data is based on attorneys' opinions of time saved.

Table IX: Comparison of Effect on Court Time

ADR Effect on Court Time	% of Cases in 1998-1999	% of Cases in 1999-2000	% of Cases in 2000-2001	% of Cases in 2001-2002	% of Cases in 2002-2003	% of Cases in 2003-2005	% of Cases in 2007-2008
Reduced	68%	76%	94%	95%	93%	97%	95%
No Effect	28%	13%	—	—	—	—	—
Increased	2%	7%	6%	5%	7%	3%	5%
Effect Unknown	2%	4%	—	—	—	—	—

Chart X, below, depicts the estimated range of days of court time saved as a result of ADR, based upon survey responses. 59% of respondents thought that 4-10 days of court time were saved.



In terms of the effect of ADR on cost, 60 parties responded. 85% of respondents believed that costs were reduced as a result of ADR, whereas 15% thought that ADR increased costs. These figures may be tied, in part, to the previous finding that 27% of cases did not settle through ADR and, therefore, the cost of the participants and neutral's time increased overall litigation costs.

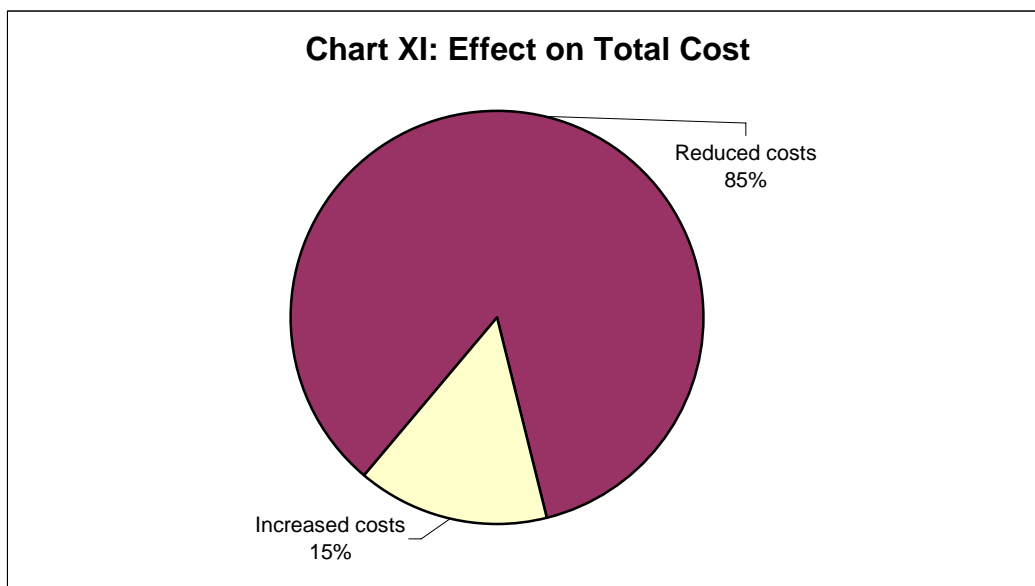
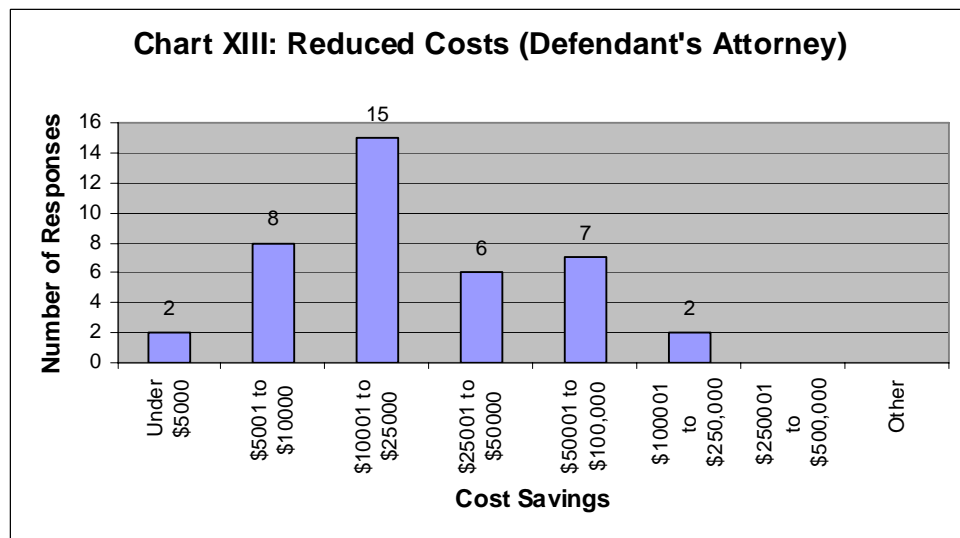
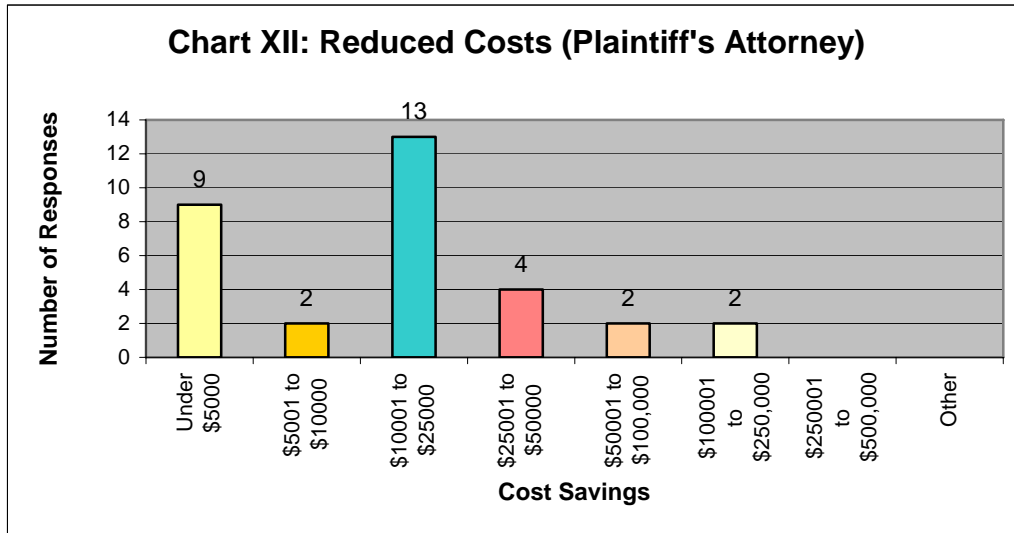


Chart XII illustrates plaintiff attorneys' estimates of cost savings resulting from cases settling because of ADR. Chart XIII illustrates defendant attorneys' estimates of cost savings. These numbers are somewhat subjective and may vary from attorney to attorney. In this survey, 49% of plaintiff attorney respondents and 28% of defendant attorney respondents estimate that cost savings are in the range of \$10,000 or less. 46% of plaintiff attorney respondents and 56% of defendant attorney respondents believe that savings are in the range of \$10,000 to \$50,000.



ADR as a Factor of Settlement

Survey questions also ask whether ADR was a factor in settlement. This is measured on a scale from 1 to 5 (1 indicating ADR was not a factor, 5 indicating that ADR was a very important factor). There were 75 responses to this question. The majority of attorneys believed ADR was a very important factor in the settlement of the case. By contrast, the number of responses indicating ADR was not a factor toward settlement was quite low.

Chart XIV: Plaintiff's Attorney

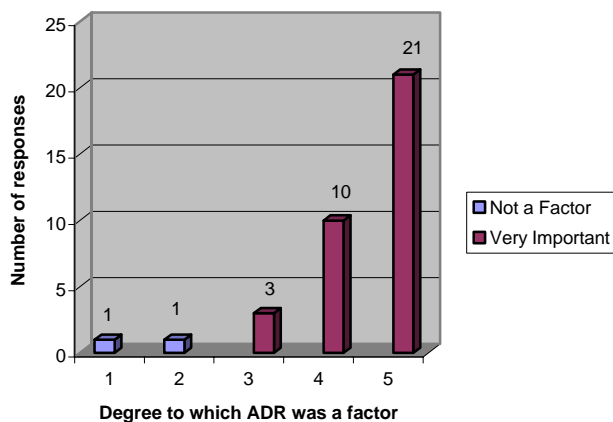
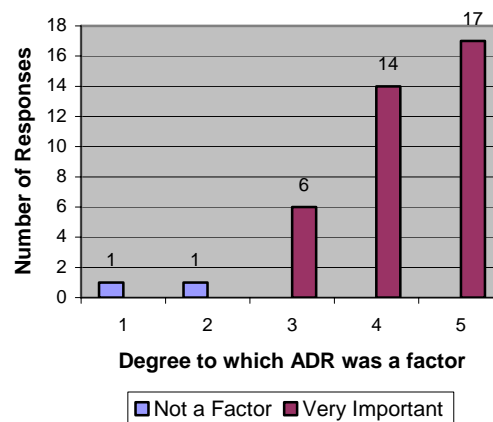


Chart XV: Defendant's Attorney



Litigation Activity Avoided

The survey elicited information regarding specific time and cost savings of trial conferences, motions and discovery proceedings that were avoided because of early ADR settlement. This data is quite subjective in nature, as attorney estimates of litigation activity avoided through ADR can vary widely under identical circumstances. However, our objective was to provide an illustration of the potential savings that arise when parties utilize ADR and avoid future court appearances.

It appears to be more effective to ask attorneys specific questions about court/discovery events avoided as a result of early ADR settlement as opposed to asking them to estimate the general dollar amount of the cost savings. Responses to these "Events Avoided" questions illustrate more dramatically the pronounced savings both for the parties (e.g., depositions avoided, etc.) and the court (e.g., number of trials that went off calendar, etc.).

Charts XVI, XVII and XVIII, on the next page, reflect the number of court events avoided by using ADR. The data collected demonstrates that a large number of trials, mandatory settlement conferences, pre-trial conferences, motions and depositions were avoided as a result of parties utilizing ADR.

Chart XVI: Court Events Avoided

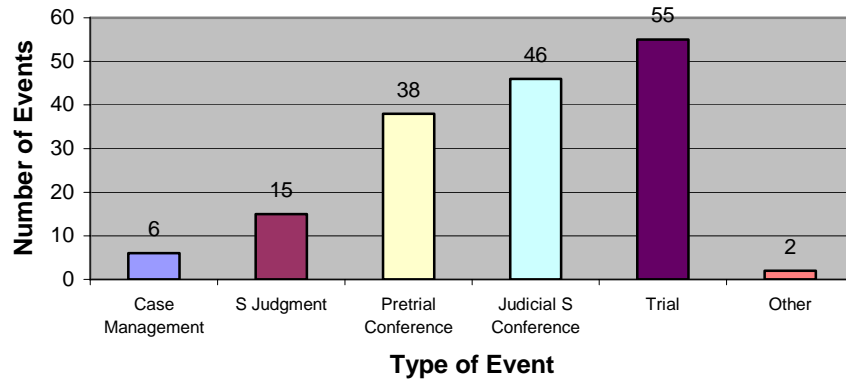


Chart XVII: Number of Motions Avoided

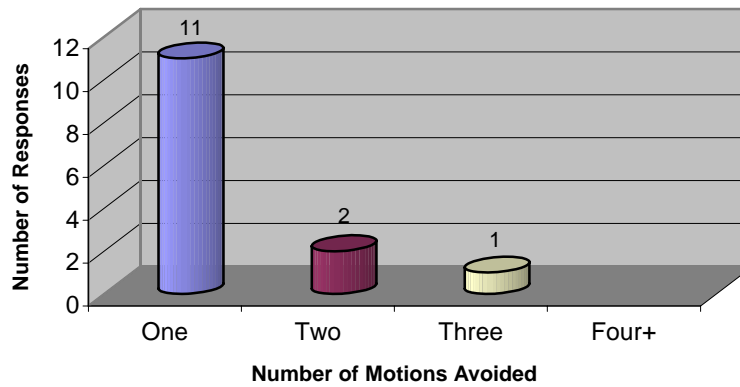
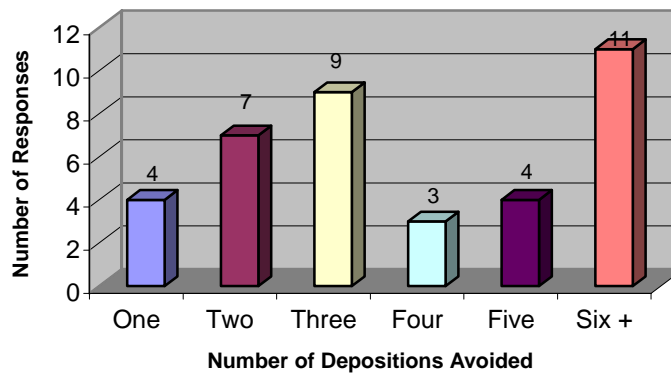


Chart XVIII: Number of Depositions Avoided



Satisfaction and Communication

Satisfaction with ADR

There were three primary measures of party and attorney satisfaction evaluated: satisfaction with the process, with the neutral, and with M.A.P. Satisfaction is measured on a scale from 1 to 5, with 1 indicating respondent strongly disagrees with certain statements, and 5 indicating they strongly agree. Satisfaction is broken down by the type of participant. There were a wide range of responses to this part of the survey, from approximately 39 responses from the parties themselves to 93 responses from the attorneys.

Chart XIX: Satisfaction With The ADR Process

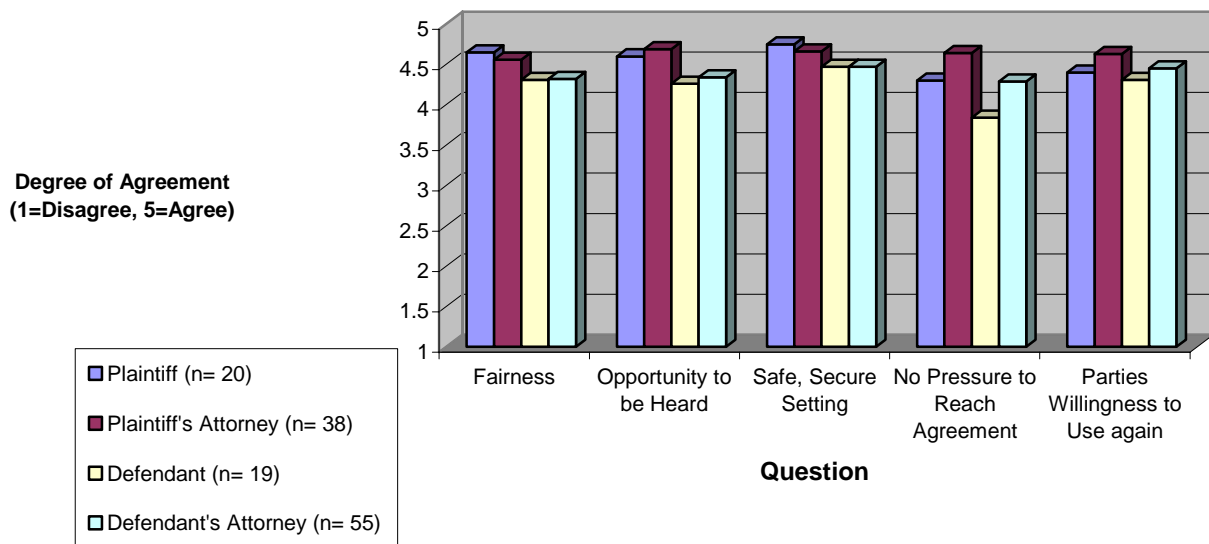


Chart XIX, above, illustrates satisfaction with the ADR process in general. Most respondents, regardless of their role, felt very satisfied with the process (**note chart reflects a cumulative rating of 4.0 and above**). The highest overall satisfaction across roles was in response to the question about whether the neutral provided a safe and secure setting for the ADR session.

As in past years, attorneys expressed more satisfaction with the process overall than did their clients. This could be due to the fact that attorneys may have more realistic expectations about the ADR process as well as a better sense of the ultimate value of the case.

Conclusions, based upon the responses of all categories of respondents, may be summarized as follows:

All categories of respondents were very satisfied with "fairness", "security of proceeding" and "opportunity to be heard" issues, with cumulative responses ranging from 3.9 to 4.65 on a scale of 1-5. As a general statement, attorneys for the parties were somewhat more satisfied with these issues than their parties themselves.

All categories of respondents were willing to use the M.A.P. program again, with cumulative responses ranging from 4.1 to 4.58. Generally, attorneys for the parties were slightly more inclined to use the program again than the parties themselves. M.A.P. staff also meets primarily with attorneys during initial ADR referrals and, therefore, attorneys are likely to be more familiar with the MAP program than their clients.

Participants answered three key questions: whether they believed the neutral understood key issues in their case, demonstrated skill in structuring the process, and whether they would use the neutral again. Generally, participants were very satisfied with the neutral's understanding of their case and were willing to use the neutral again (average scores were well above 3.9 in all categories of respondents).

Chart XX: Satisfaction With Neutral

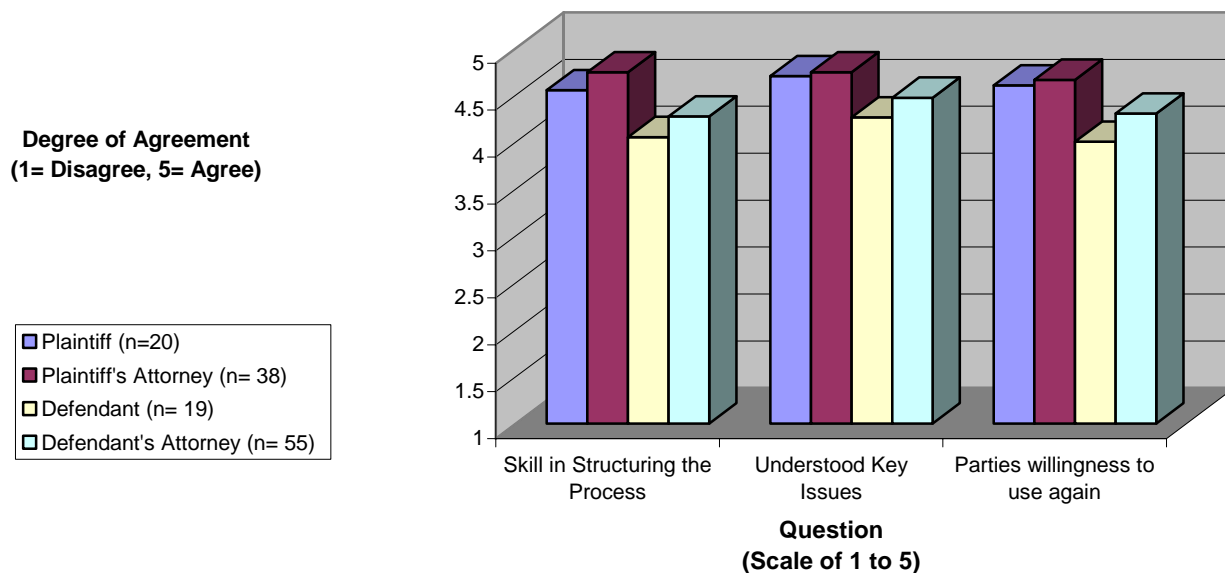
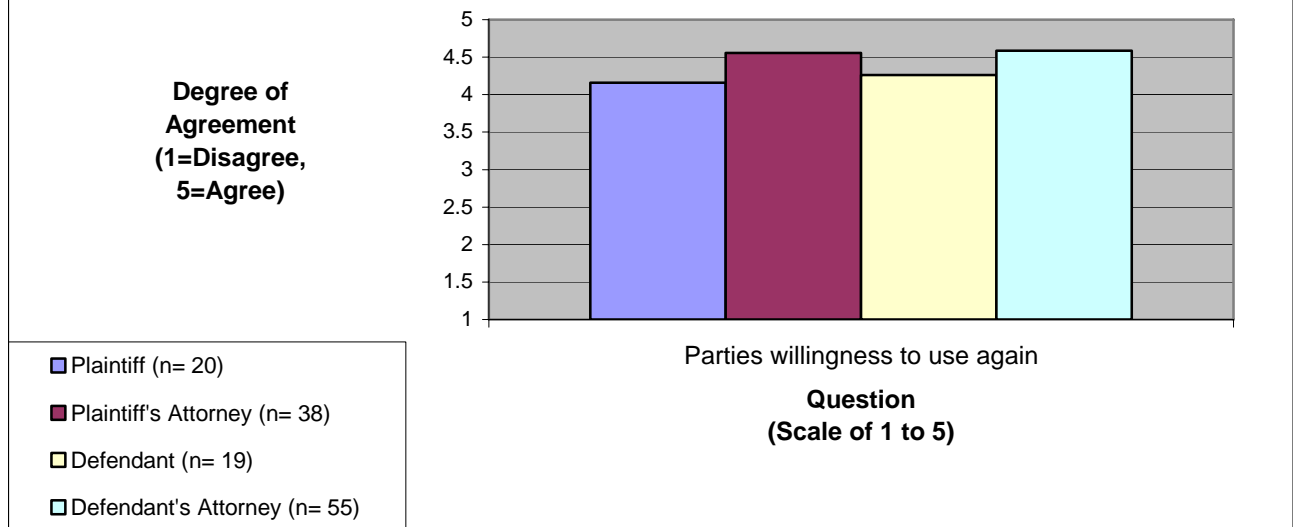


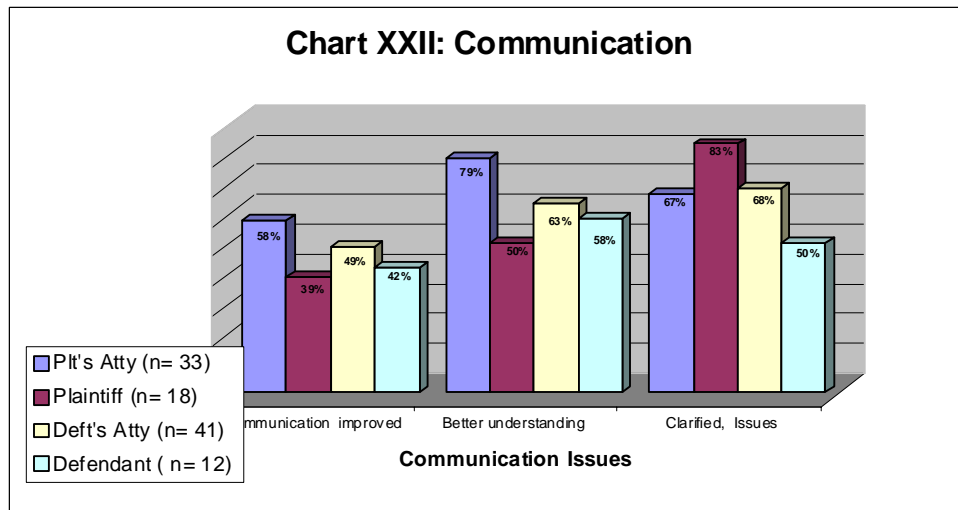
Chart XXI: Parties Willingness to Use MAP Again



Again, there was a strong overall indication that parties would use M.A.P. again (The average was 4.39 on a scale of 1 to 5). Defendant's attorneys were the strongest supporters of using M.A.P. again, followed closely by plaintiff's attorneys.

Improved Communication and Understanding of Case Due to ADR

Chart XXII below measures responses to questions related to improved communication between the parties, deeper understanding of a case by the parties and whether or not parties had issues clarified during their session. Respondents were asked to indicate which, if any, of the communication issues mentioned above occurred during the ADR session by checking the appropriate box. There were a total of 104 responses to this portion of the survey. The majority of parties believed that ADR improved communication, clarified issues and provided parties with a better understanding of their case.



6% of plaintiff's attorney's, 6% of plaintiff's, 20% of defendant's attorneys, and 8% of defendant's marked "Other Comments" and wrote comments, such as the following:

- Mediator was able to educate plaintiff on shortcomings of this case when defendant had not been able to due to difficult plaintiff's attorney.
- Case settled.
- Plaintiff's counsel was inexperienced, dogmatic, and unreasonable so no real progress was possible.
- Plaintiffs needed further investigation and discovery in order to present concrete offer.

Conclusion

Although the number of general civil case filings has gone down in recent years, the number of cases referred to the Civil ADR Program has increased by as much as 12% since 1998. This significant increase in caseload numbers has not detrimentally affected settlement rates. To the contrary, program settlement rates also have increased (from approximately 61% in 1998-2000 to 70% in subsequent years). In addition, parties appear to be going to mediation earlier in the litigation process, resulting in increased time and cost savings to both them and the court. These benchmarks, as well as other data found in the preceding pages, confirm the continued value of the Civil ADR Program to the bar, court and the community.

Complex Litigation

Background

The Civil ADR Program has always included panelists who handle complex litigation cases; however, these cases were not routinely referred to the program once the Presiding Judge deemed them “complex.” If the parties participated in ADR, it was often done on their own initiative.

In January 2006, the court designated the Central Branch courthouse as the “Complex Civil Litigation Science and Technology Court,” bringing all these cases under the supervision of two dedicated judges. The two complex litigation judges handle all cases deemed complex, with the exception of complex construction defect cases, which remain permanently assigned to the Presiding Judge’s department. This consolidation has made the referral of cases to the program easier and more uniform. The Civil ADR Program Coordinator is now able to review specific cases with the complex litigation judges and decide on a strategy for getting parties to mediation. As of 2007, the program now receives a steady flow of cases considered appropriate for mediation by both the judges and counsel.

Timing of ADR Referrals

Unlike in general civil matters, the complex litigation judges often wait until the issues in the case have been clarified and certain motion work completed before referring cases to the program. The referral to mediation also is often timed in conjunction with certain watershed events in a case (e.g., class certification motions, key discovery rulings, summary judgment/adjudication motions, etc.). The extended time frames in these cases require more direct communication between the Civil ADR Program Coordinator and the assigned judge regarding the timing of the referral and the parties’ willingness to participate.

Settlement Rates

Along with shareholder derivative actions and toxic tort cases, the most common types of complex cases referred to the program include wage & hour claims, class action suits and business cases (e.g., trade secrets, partnership dissolutions, banking practices, etc.). Of the 28 cases referred to the program from January, 2006 through June, 2008, settlement rates have been as follows:

Settled fully:	13
Settled partially/mediation pending (mediation has yet to occur or parties may go back for follow-up mediation sessions):	10
Case did not settle:	3
Case settled on its own:	1
Refusal to participate:	1

Conclusion

The number of complex litigation referrals continues to increase steadily (e.g., nine more cases were referred to the program in the six months following the time period covered in this report). However, because of the extended time frames in these cases, it can be difficult to provide an accurate snapshot and caseload analysis within the context of this report. Even though it may take 12-18 months for parties in many of these cases to get to their first mediation, once they are ready to proceed and the issues have been sufficiently focused, the process works well in settling these matters. MAP staff will continue refining the referral process and recruiting panelists with appropriate complex litigation experience so that parties can be persuaded to get their cases into mediation, not only for the first time, but, if necessary, for subsequent attempts at mediation until they can craft a settlement to which they can all agree.

PROBATE ADR PROGRAM

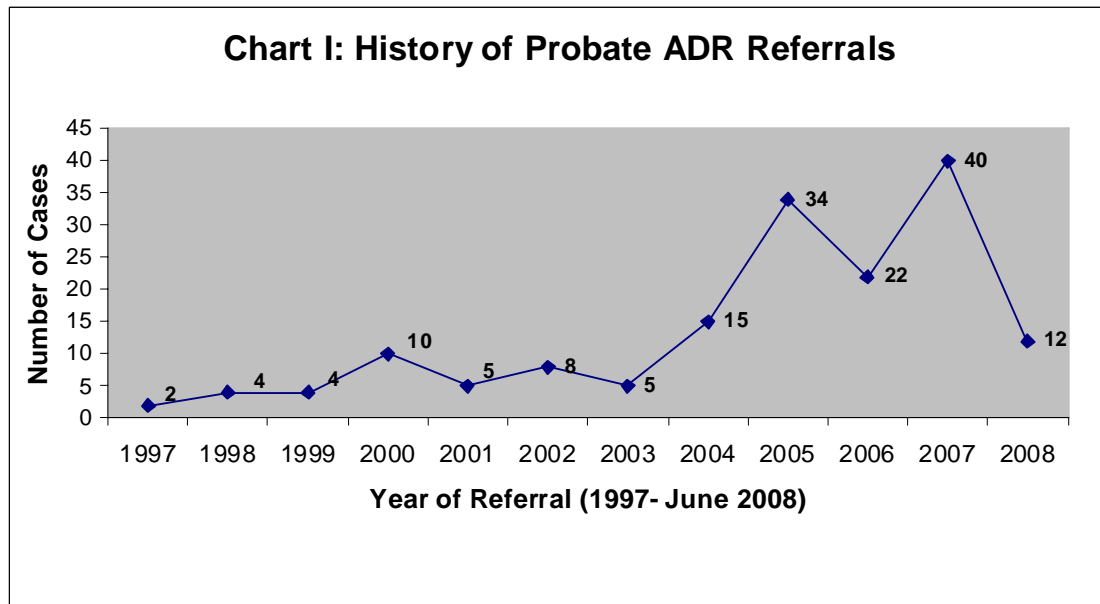
Program Background

The initiative to increase the use of mediation on the probate calendar began in 2000. However, it was not until the Probate Department was reorganized in 2004 that the number of probate cases proceeding to mediation began to significantly increase. In 2004, the court centralized all probate matters into one department under the supervision of one judge. During this period, *Local Rule 4.1(D)* also was adopted, requiring that all contested probate matters be referred to ADR.

As Chart I, below, demonstrates, these changes led to a marked increase in the number of probate ADR referrals. The number of cases referred to mediation tripled in 2004 and doubled again in 2005 but dropped in late 2006. Although these referral numbers have fluctuated from year to year, ADR staff believes that even more cases are proceeding to mediation than these numbers might suggest. (Parties agree to mediation at their status or evidentiary hearings and proceed directly to mediation without formally going through the program.)

Since 2004, there also has been a significant change in the types of probate disputes proceeding to mediation. Whereas prior to 2004, the program received very few conservatorship referrals and no guardianship referrals, both these types of cases are now routinely referred to mediation.

In order to ensure a sufficiently large panel to handle the influx of new cases and provide coverage when parties qualify for financial assistance, a special panelist recruitment was undertaken in 2007. This targeted recruitment, drawing from other court and bar association probate mediation programs, netted a 20% increase in the size of our court's Probate ADR Program panel.



Since 70% of probate filings are uncontested, M.A.P. staff does not anticipate that the volume of probate cases proceeding to mediation is likely to ever match that of the Civil ADR Program. However, early indications are that settlement rates are high for these types of cases and M.A.P. staff hopes to see the numbers of referrals continue to increase.

Similar to the Civil ADR Program survey, the Probate ADR Program survey results are broken down into three major components: 1) case status; 2) quantitative statistics of ADR sessions; and 3) participant satisfaction with the ADR process. Case status indicates how disputes were resolved, either by using or not using ADR. The quantitative statistics include such issues as the timing of the ADR session, case type, the ADR process utilized, length of session, etc. The final component of the survey addresses satisfaction rates and benefits derived as a result of parties' participation in the process.

Case Status

Number of Probate Cases Using ADR

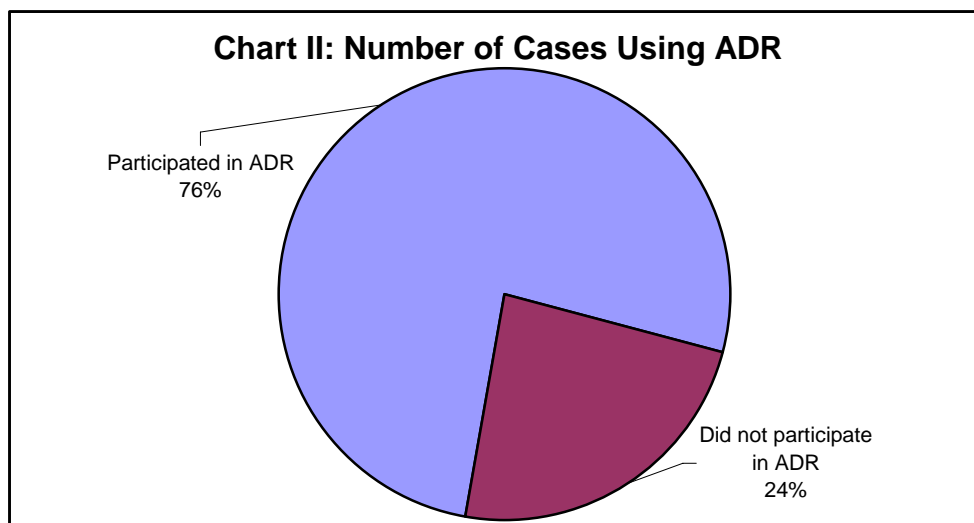
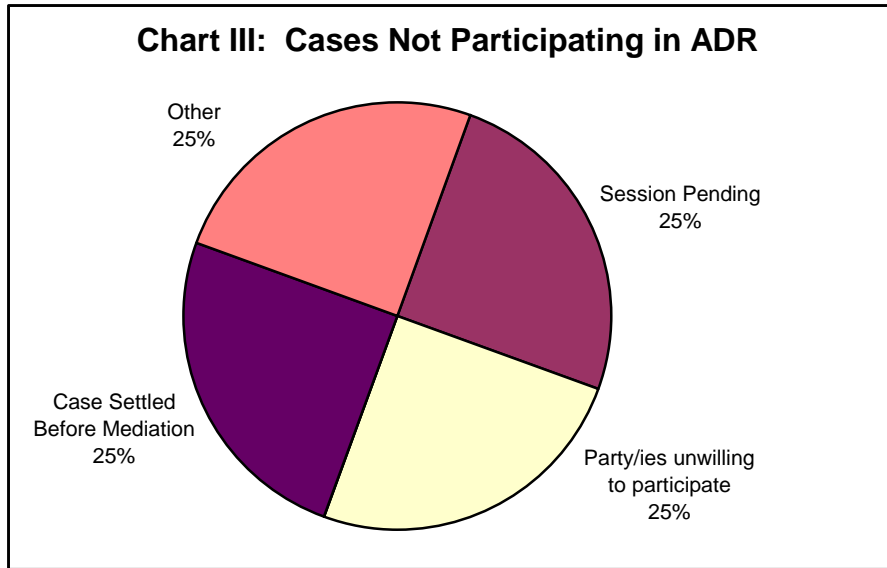


Chart II, above, represents the percentage of referred respondents that used ADR.

Cases Not Participating in ADR



As noted in the previous section, 24% of survey participants who had been referred to the program did not participate in ADR. Chart III, above, depicts the resolution of those cases not participating in ADR. Of these, 25% settled their cases without the use of ADR. 25% of the cases had the mediation pending, while other methods disposed of 25% of the remaining cases. Although parties may be initially reluctant to try ADR, parties in only 25% of cases in this subgroup of cases ultimately refused to proceed with the process.

Resolution of Cases Participating in ADR

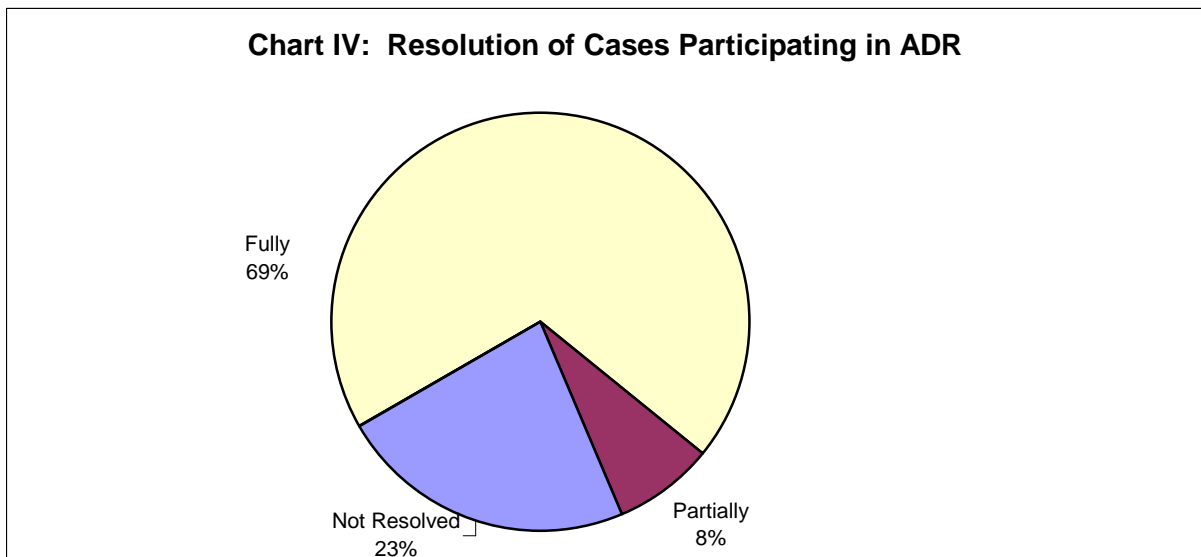


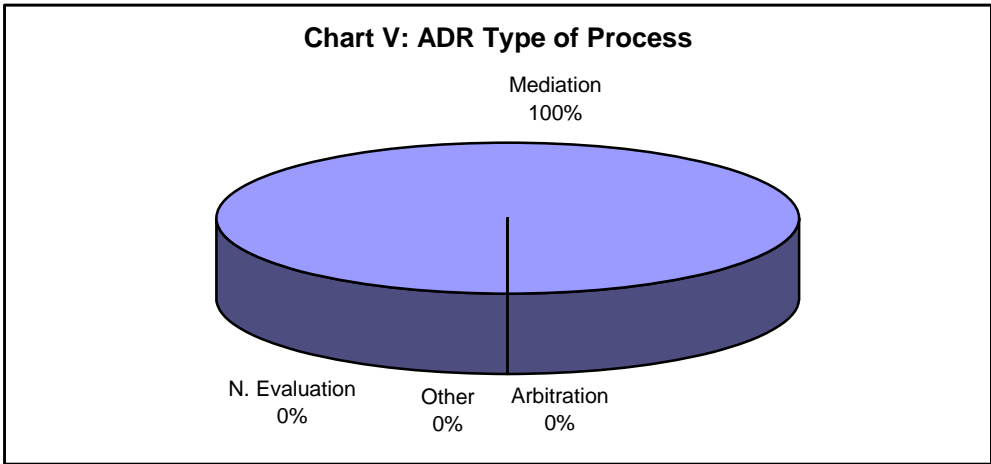
Chart IV, above, depicts the resolution of the cases. Impressively, 69% of cases were completely resolved using ADR with an additional 8% of cases being partially settled. Only 23% of cases proceeding to ADR did not settle.

Quantitative Evaluation of M.A.P. Referrals

The second component of the survey analyzes cases in which parties participated in the M.A.P. referral process. The data collected represent the range of information about a dispute from when it was resolved to the amount of time the process took.

ADR Process Used

In 100% of all the cases surveyed participants chose to proceed to mediation as their preferred form of ADR (as opposed to arbitration, neutral evaluation, etc.). Mediation may have been the ADR process most overwhelming preferred by parties because of the inherent flexibility and non-binding nature of the process.



Types of Cases

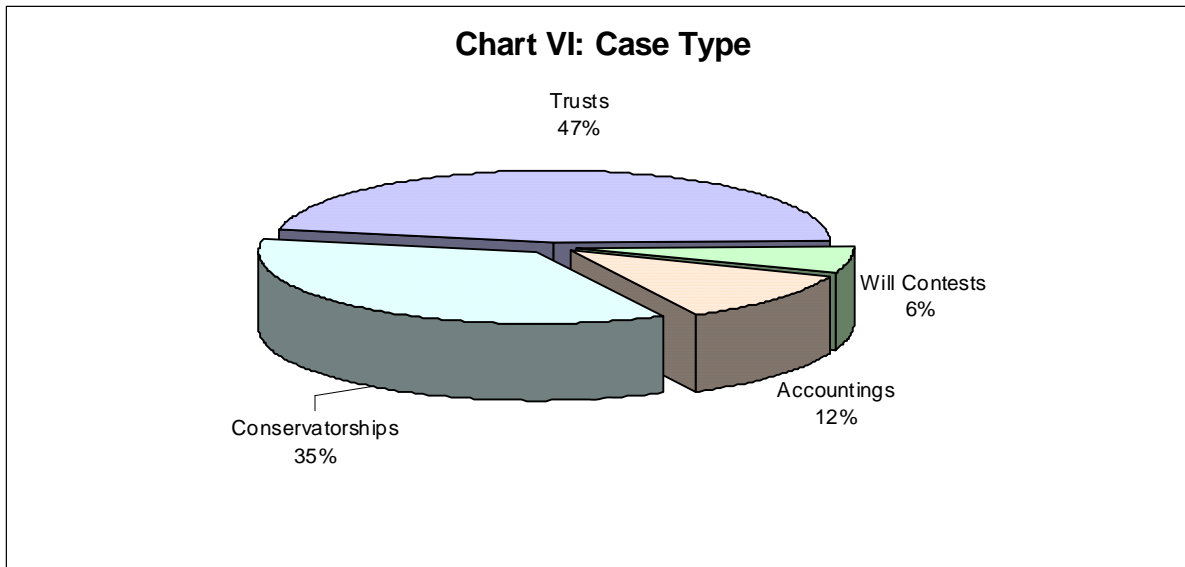
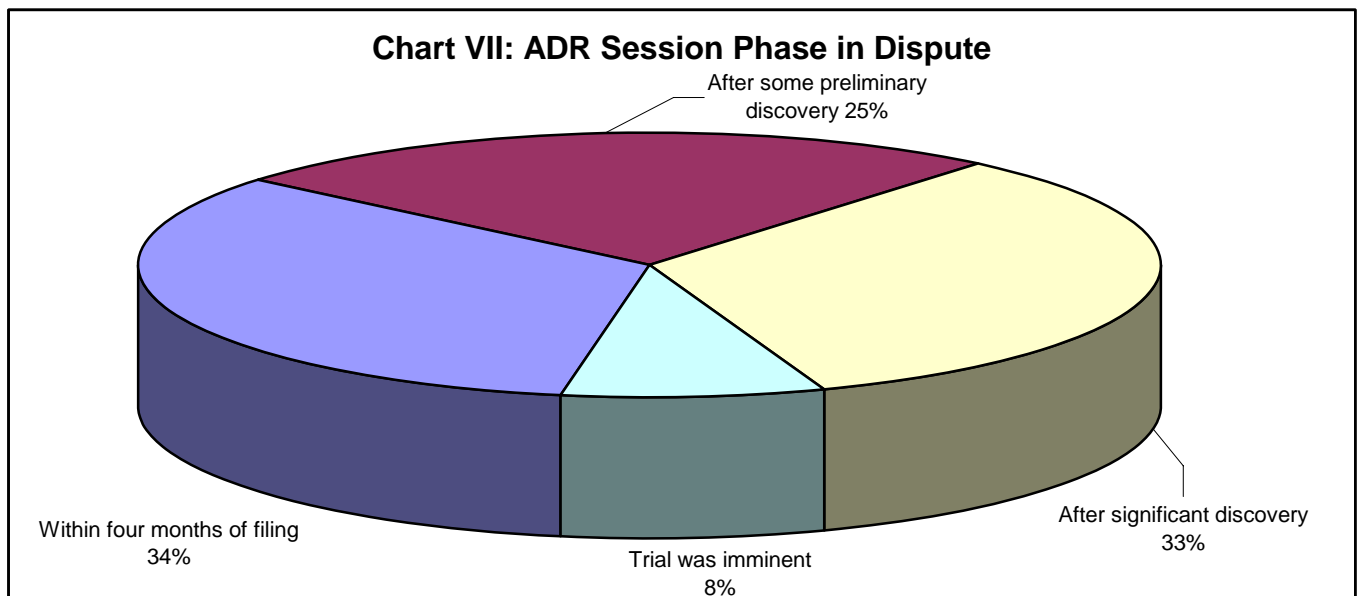


Chart VI, above, depicts the types of cases that most frequently used ADR. Trust and conservatorship disputes were the most common case types, followed by accountings and will contests. As noted earlier, the higher number of conservatorship cases proceeding to mediation is a marked change in court policy over previous years. Somewhat surprisingly, will contests make up a relatively small percentage of the total number of cases referred to the program.

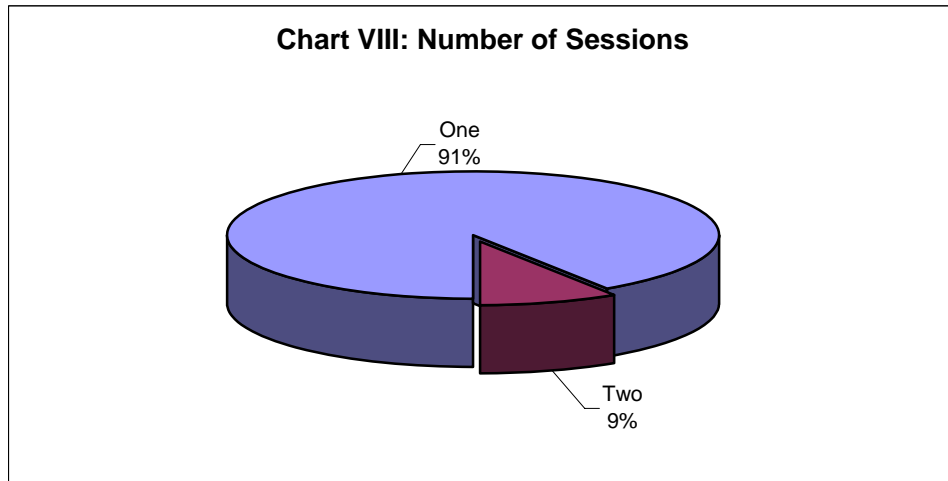
Phase in Dispute When ADR Used

Chart VII depicts when cases participated in ADR. Given the tighter time frames involved in probate cases, it is not surprising that parties proceeded to mediation relatively early in the litigation/contested matter process.



Number of Sessions and Hours

Charts VIII depicts the number and duration of ADR sessions. 91% of cases resolved (settled or not settled) in one session. 9% of these cases had 2 sessions.



Effect on Court Time and Cost

Respondents largely viewed ADR as a time and money saving device. Notably, all respondents to the survey unanimously agreed that ADR reduced court time.

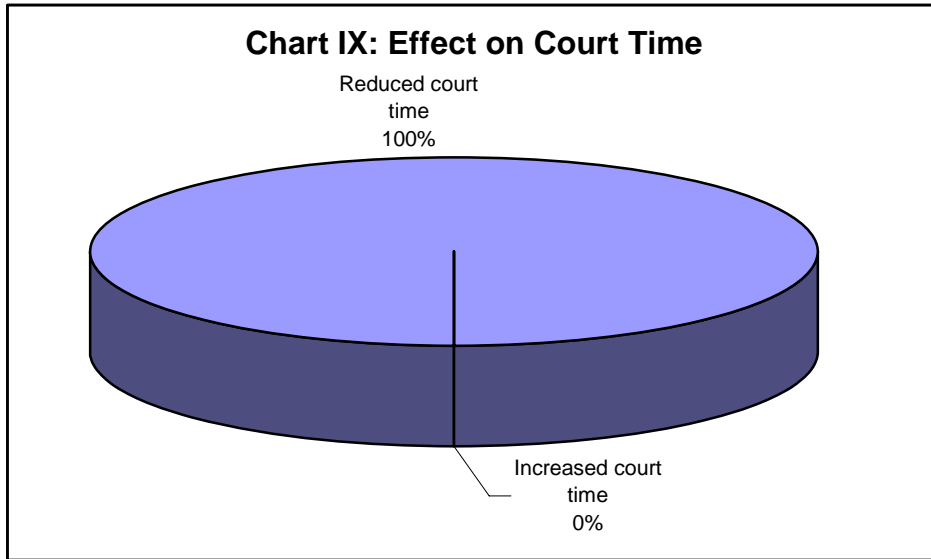
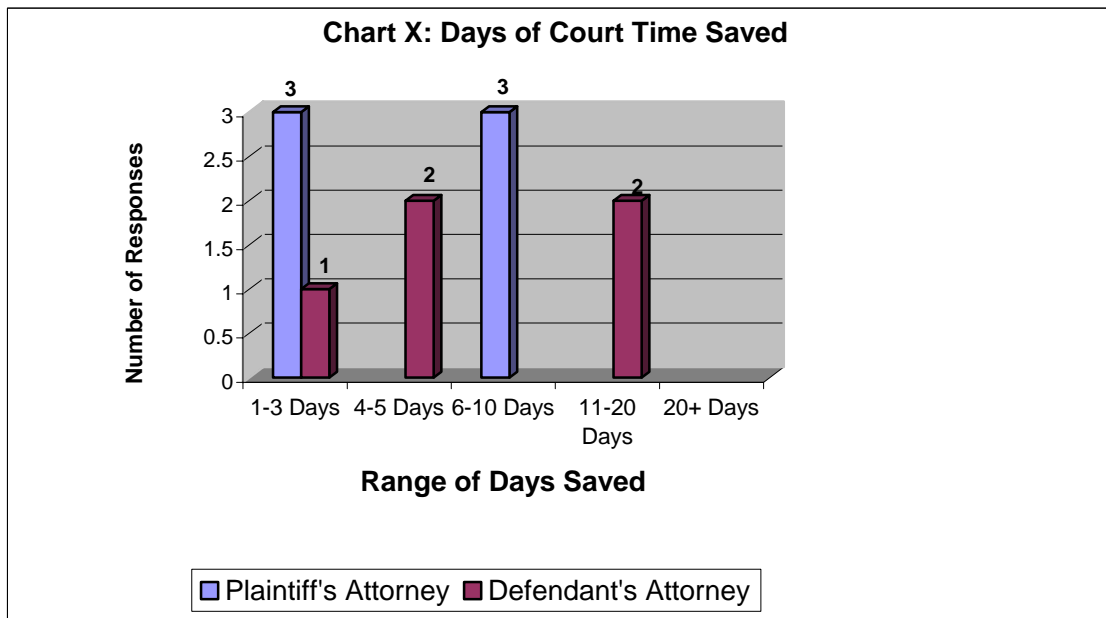
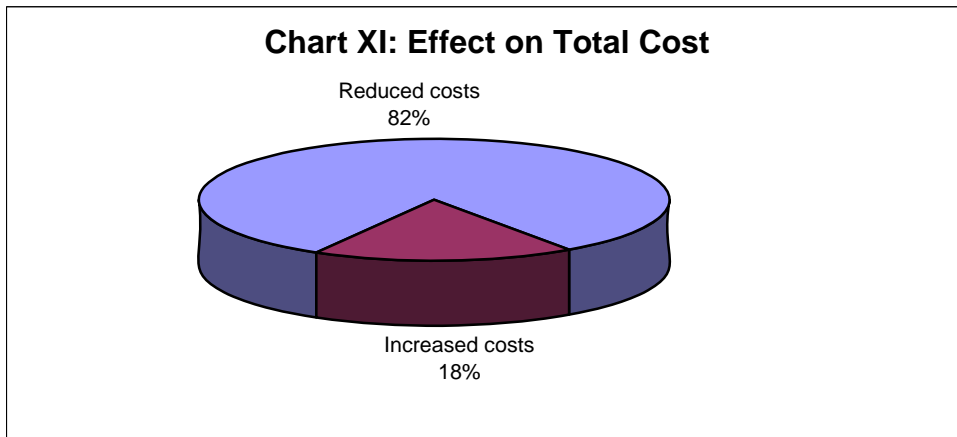


Chart X, below, depicts the estimated range of days of court time saved as a result of ADR, based upon survey responses. 59% of respondents thought that 1-3 days of court time were saved.



In terms of the effect of ADR on cost, 82% of respondents believed that costs were reduced as a direct result of ADR, whereas 18% thought that ADR increased costs. These figures may be tied, in part, to the previous finding that 23% of cases did not settle through ADR and, therefore, the cost of the participants' and neutral's time increased overall litigation costs.



Satisfaction Rates

Satisfaction with ADR

There were three primary measures of party and attorney satisfaction evaluated: satisfaction with the process, with the neutral, and with M.A.P. Satisfaction is measured on a scale from 1 to 5, with 1 indicating respondent strongly disagrees with certain statements, and 5 indicating they strongly agree. Satisfaction is broken down by the type of participant. There were a wide range of responses to this part of the survey, from approximately 6 responses from the parties themselves to 13 responses from the attorneys.

Chart XII: Satisfaction With The ADR Process

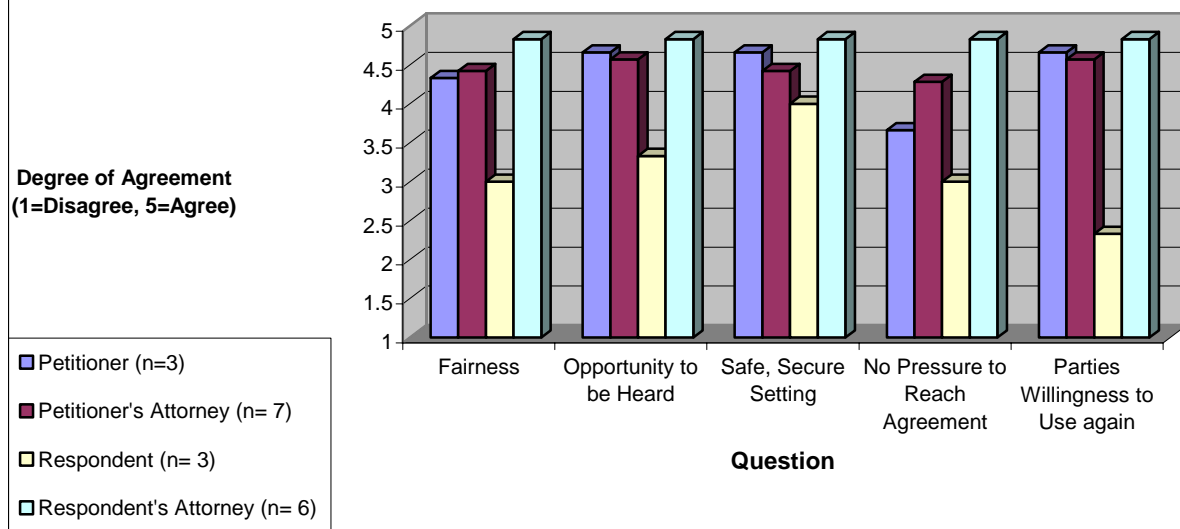


Chart XII, above, illustrates satisfaction with the ADR process in general. Most respondents, regardless of their role, felt very satisfied with the process (***note chart reflects a cumulative rating of 4.0 and above***). The highest overall satisfaction across roles was in response to the question about whether or not the neutral provided a safe and secure setting for the ADR process.

Conclusions, based upon the responses of all categories of respondents, may be summarized as follows: All categories of respondents were very satisfied with "fairness", "security of proceeding" and "opportunity to be heard" issues, with cumulative responses ranging from 3.9 to 4.47 on a scale of 1-5. As a general statement, attorneys for the parties were somewhat more satisfied with these issues than the parties themselves.

All categories of respondents were willing to use the M.A.P. program again, with average responses ranging from 2.33 to 4.83. Generally, attorneys for the parties were slightly more inclined to use the program again than the parties. M.A.P. staff also meets primarily with attorneys during initial ADR referrals and, therefore, attorneys are much more likely to be more familiar with the M.A.P. program than their clients.

Participants answered three key questions: whether they believed the neutral understood key issues in their case, demonstrated skill in structuring the process, and whether they would use the neutral again. Generally, participants were very satisfied with the neutral's understanding of their case and were willing to use the neutral again (average scores were well above 3.9 for all categories of respondents).

Chart XIII: Satisfaction With Neutral

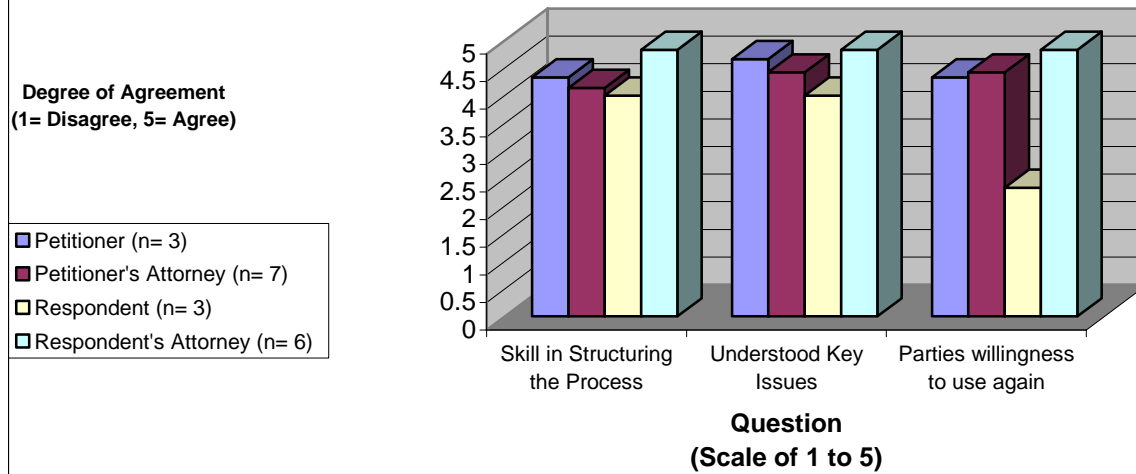
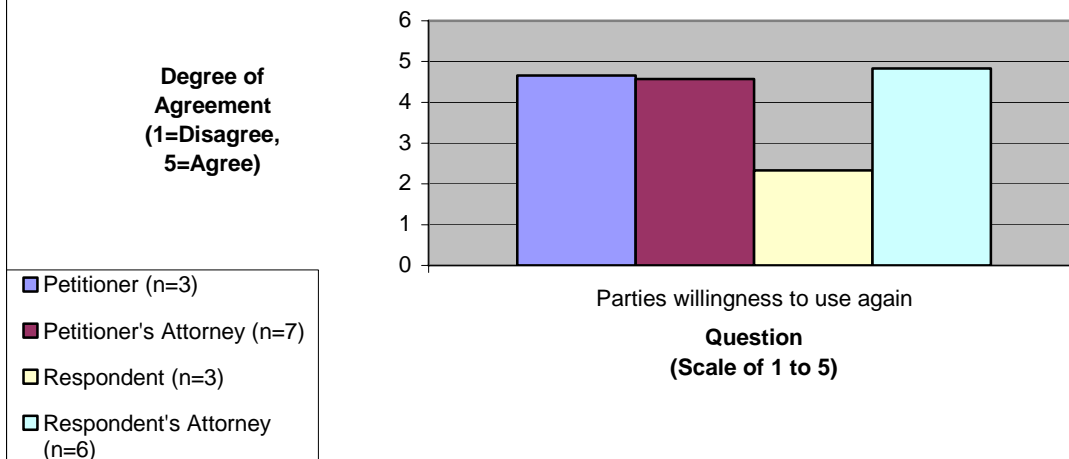


Chart XIV: Parties Willingness to Use MAP Again



Again, there was a strong overall indication that parties would use M.A.P. again (the average was 4.09 on a scale of 1 to 5). Respondent's attorneys were the strongest supporters of using M.A.P. again, followed closely by Petitioner's attorneys.

Conclusion

Since 70% of probate filings are uncontested, MAP staff does not anticipate that the volume of probate cases will ever match that of the Civil ADR Program. However, this year's evaluation data once again underscores the effectiveness of mediation in resolving different types of contested probate matters. MAP staff is confident that with the newly revitalized, expanded panelist list, coupled with a renewed commitment to refer more cases to the program, that case numbers will continue to increase, along with accompanying time and cost savings for both parties and the court.

FAMILY LAW ADR PROGRAM

History/Background

The Family Law ADR Program began in 1996 as a project of the local Bar Association and provided referrals to a panel of private attorney mediators and arbitrators. In 2000, the program was reorganized, relocated to the Court, and became part of M.A.P. Shortly thereafter, an attorney staff coordinator was hired to expand the program and provide on-site mediation at the Redwood City court. The coordinator, Monica Rands-Preuss, Esq. offers mediation, manages the panel of private neutrals and oversees the program.

Case specific information is provided to both attorneys and self represented litigants about the alternatives to litigation in an effort to ensure that litigants have every opportunity to be matched with a qualified and trained neutral, and to resolve their dispute cooperatively, economically, and in a self-determined fashion. Outreach methods include face to face meetings in conjunction with a court appearance, telephone consultations, website resources, informational local forms, and educational presentations to community organizations and partner agencies. Each case opting into some form of ADR helps reduce the growing number of matters needing to be heard on the family law calendars.

A 14 member Advisory Committee has been in place since late 2001 and consists of members of the bench, bar and the ADR panel. The Committee provides input and guidance to the coordinator on program policy and development. During 2002 through 2005 the emphasis was on increasing the numbers of family law cases using ADR. Projects included the development of an ADR website, and a new local form, "Notice of ADR Options." Further growth in the program was spurred by the changes to the Local Court Rules, in combination with the transition to a direct calendar model for family law cases in 2004. Panel referrals increased during 2004 by 200% (from the prior survey period 2002-2003) and increased another 55% in 2004 – 2005.

Recent focus has been placed on enhancing case development procedures and developing an automated case tracking and reminder system. A number of internal procedural and technical changes now help to prepare participants, monitor cases, gather data for evaluation, and enhance satisfaction levels among all participants, including neutrals. While referrals remain steady, the challenge has been to maintain the program without an increase in staffing or resources.

Evaluation Scope and Methodology

The data presented here covers the period from July 1, 2007 to June 30, 2008. Both quantitative and qualitative data are solicited from program participants via an evaluation that is mailed to both attorneys and parties after their final session. In addition to questions about the types of issues in dispute and whether or not settlement was reached, parties are asked questions addressing user satisfaction. Attorneys are also asked to quantify any reduction or increase in attorney fees and costs, as well as court time, as a result of ADR.

During the survey period there were 189 active cases. The statistics presented here are generated from the 116 cases that completed mediation or arbitration. Cases referred to the

program but still pending, cases deemed inappropriate, or still in case development, or cases where parties failed to appear, cancelled, rescheduled, refused to participate, or ended up settling on their own prior to their ADR session, are not reflected in the data below.

These numbers also exclude cases proceeding through private mediators, arbitrators, private judges or collaborative practice attorneys who have been retained independently. Educating the public about dispute resolution options and encouraging their use in family law, whether or not the court's panel is used, continues to be part of the day to day work of staff. Although this will continue to be a program goal, there is currently no efficient method to capture what portion of family law litigants are opting for some form of ADR outside of the court program, or similarly, to analyze what portion of cases are using ADR in lieu of going to court.

Case Development

When an attorney or a self-represented party contacts the program, the case is assessed to determine if it is appropriate for ADR. Case development procedures are essential to determine each party's willingness to participate, readiness for mediation or arbitration, and their understanding of the program's logistics. Case development procedures were expanded during 2005 – 2006 and continue to evolve.

Staff interviews both parties and/or participating counsel in person or over the phone, reviews the case history, and in some cases, the entire court file. An attempt is made by staff to identify any process inhibitors such as mental health issues, alcohol or drug abuse, language or literacy barriers, or other impediments to a safe and meaningful experience. Often, self-represented parties just want legal advice on how to pursue their family law matter and are provided appropriate referrals in addition to receiving information about their dispute resolution options.

Finally, a Domestic Violence Screening and Assessment Procedure includes checking the court's criminal database (CJIS) and interviewing parties to determine the history of any domestic violence or fear of abuse, the presence of civil or criminal protective orders, as well as any other factors which might necessitate special process protections, or indicate that the case is not appropriate for ADR.

Neutrals are provided with a summary of the background information gathered during case development. Pending court dates, if any, are noted as well as the existence of temporary orders. A narrative description of the issues for ADR as well as the procedural history is provided to neutrals with each referral.

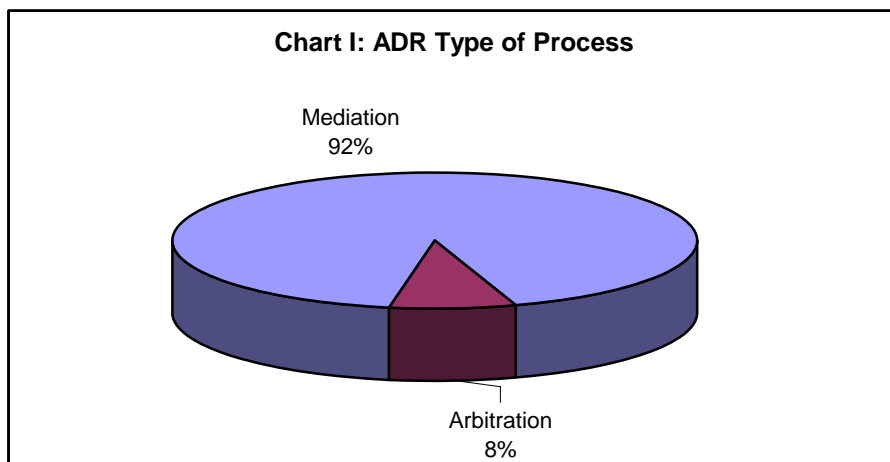
Increasing efforts pre-ADR have had a positive impact on participant's satisfaction levels. Since expanding the case development procedures the response from neutrals has also been very positive. A sample of their comments follows:

- I appreciate your notes! Parties are signing my stipulation and order.
- Reduced costs greatly and explained and identified all of the forms they needed to complete and file with the court. I helped them refine their agreement; think about details that might appear, etc.
- Cut the costs by 1/5 to 1/10 of what a full case would have cost.
- You are doing a great job! Thank you!
- In this case, the entire list of issues was outstanding.
- A brief mediation is ineffective unless discreet issue(s) are sent out for mediation. This would help chip away at the long list.

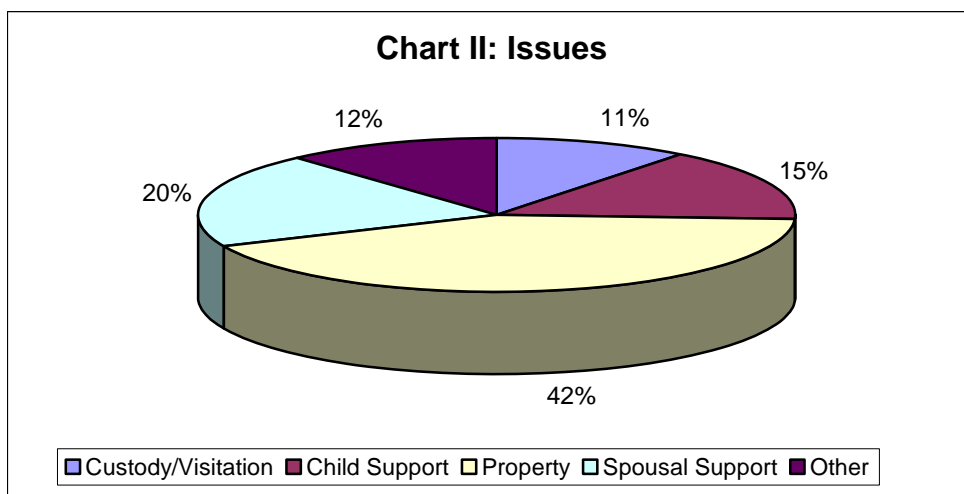
- It's a great program. Your introductory case notes are great. Very helpful. This case eventually resolved based upon mediated MSA entered as judgment by attorneys at case management.
- In this case the parties were able to settle 90% of this case and came back for a follow up session to try to settle the entire case.
- This was an ideal option for the couple. Avoided court's time.

Issues & Types of ADR

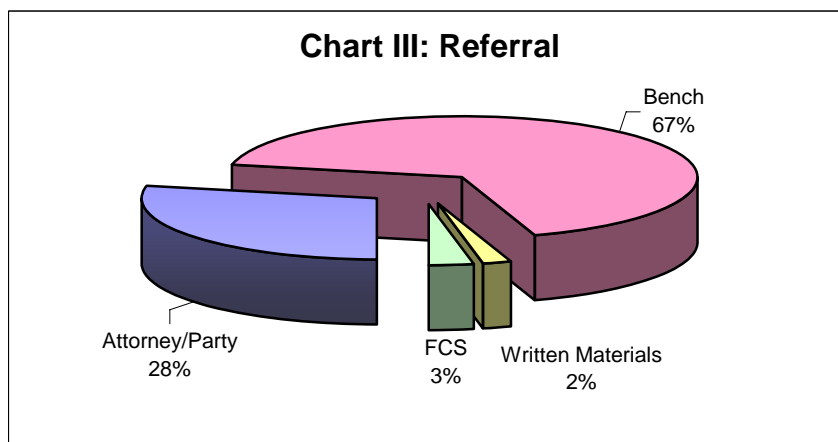
The program has offered both mediation and arbitration to family law litigants since its inception. Historically, the numbers of mediation far exceed those using arbitration. Chart I sets forth the program's current data for these two types of ADR.



The Family Law ADR program provides mediation and arbitration for all types of family law matters, including child custody and visitation, child and spousal support, property division, paternity, and post-judgment modifications. Cases involve both single-issue resolution, as well as multiple issues, or global settlements of the entire case. As shown in Chart II below, resolving the division of assets and debts remains the top issue for the majority of cases.



Referrals to the program come from the Family Law bench, Family Court Services, The Family Law Facilitators, and from written materials such as the program brochure, the court's website, and The Notice of ADR Options Form. Chart III illustrates the majority of cases, 67%, were referred by the court, which is consistent with prior evaluations.



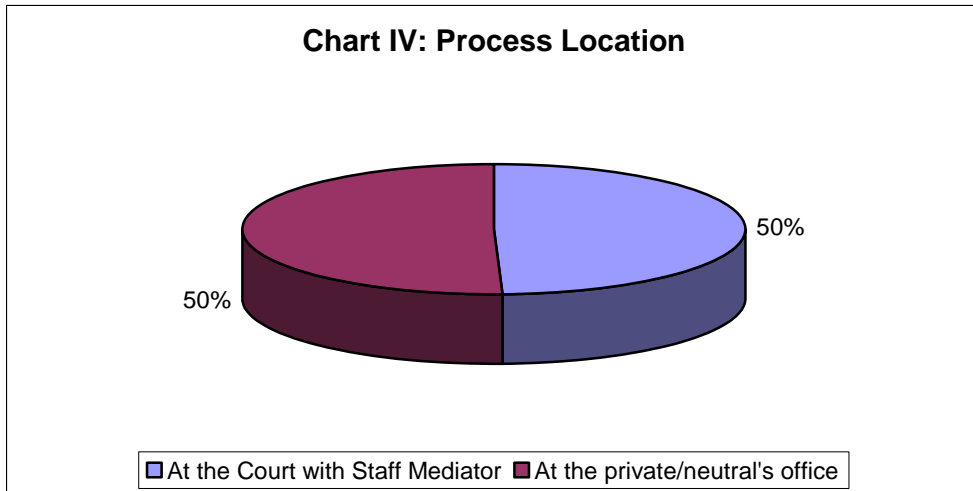
Panel Referrals

In 2005, the Roster Committee reviewed applications and made selections to increase the panel to its current membership of 17. Neutrals are assigned on a rotational basis and may specify a limit on the number of cases they will accept throughout the year. In 2007, updated background information on each neutral (experience, location, hourly rate, languages spoken, etc.) was uploaded to the family law ADR website.

After case development is completed, participants are referred to a neutral to schedule their initial session. The program's fixed rate of \$100 (\$50 per person) is charged for the first 90 minutes, with the option given to participants of scheduling additional session(s) and paying the neutral's hourly rate. Since the program's inception, neutrals have agreed to keep this initial 90 minutes at a cost far below the market rate, despite staff's offer to gradually increase the fee. The estimated value of the donated time for the 2007-2008 year surveyed was \$26,854, which does not factor for any additional time which the neutral provides free of charge beyond the initial 90 minutes, thereby making this sum even greater.

Currently, the program has been maintaining its goal of apportioning cases between the panel and on-site mediation, and for the first time, reached an equal division where 58 cases completing mediation or arbitration were assigned to a panel member, and an equal number were handled by the staff attorney-mediator. Factors which influence this division are varied, but include the timing between the request for ADR and the next court appearance if any, the number of issues and communication level between the parties (and thus the amount of time that may be required) and the stated preferences of the bench or counsel for a particular option.

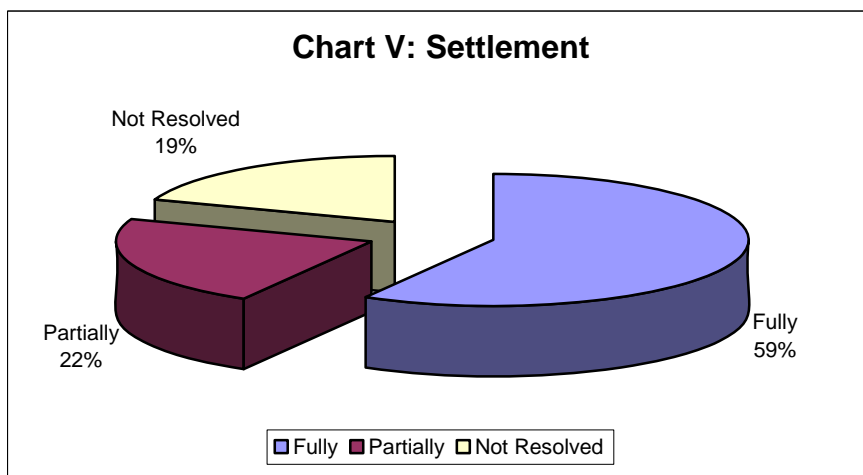
Chart IV: Process Location



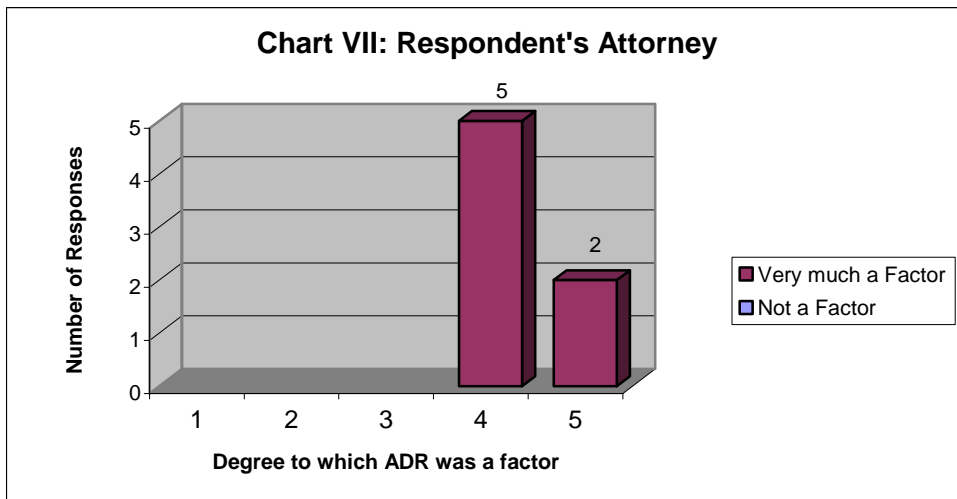
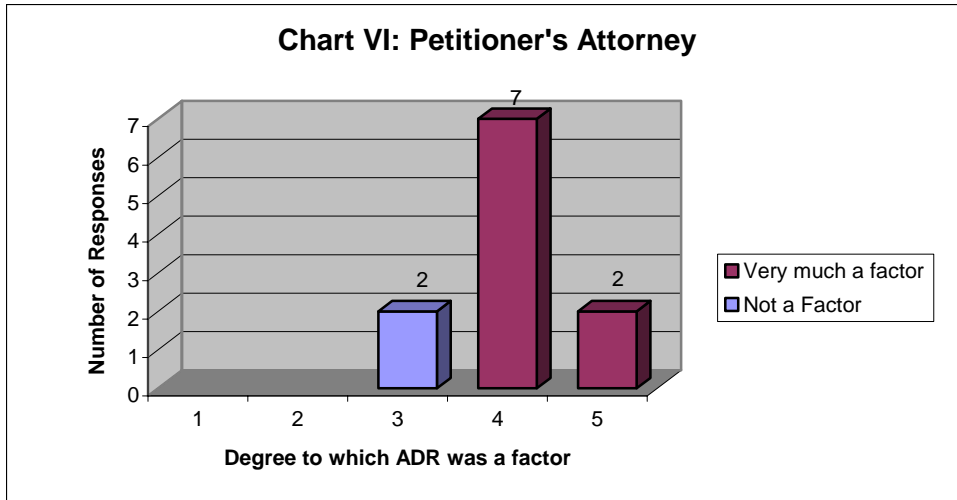
Resolution of Cases Using ADR

One of several indicators of effectiveness is settlement rates. This year's evaluation was consistent with prior year's results. As shown in Chart V, a total of 81% of the cases participating in mediation reached some settlement, either in full (59%) or over a partial number of issues in the case (22%). The remaining 19% did not reach settlement.

Chart V: Settlement



All attorneys participating in either on-site or panel referrals were asked whether ADR was a factor in settlement. This was measured on a scale of 1 to 5 with 1 indicating ADR was not a factor and 5 indicating ADR was very much a factor. The majority of those responding indicated ADR was a very important factor in settlement, as shown in Charts VI and VII below.



Effect on Court Time and Cost

Cases are referred to the ADR program on the day of court, in advance of the court hearing or trial, and even with no court date pending. When ADR is attempted prior to (or instead of) the court appearance and is successful, it relieves the Court of the burden of calendaring, reviewing the file, conducting a hearing, and ruling on the case. This benefit can be reflected in a tangible way. Chart IX, below, shows a full 100% of the respondents believed ADR reduced necessary court appearances.

Many cases opt into ADR in advance of a court hearing or trial, and the cost savings stems from being able to resolve the matter often in a few hours, instead of spending the entire morning, afternoon, or successive days in court, plus a savings in not having to prepare for the future court appearances. This can result in significant cost savings, as shown below in Charts X and XI.

Chart IX Effect on Court Time

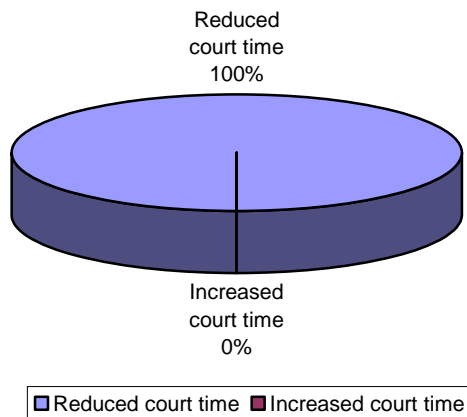


Chart X: Reduced Court Time

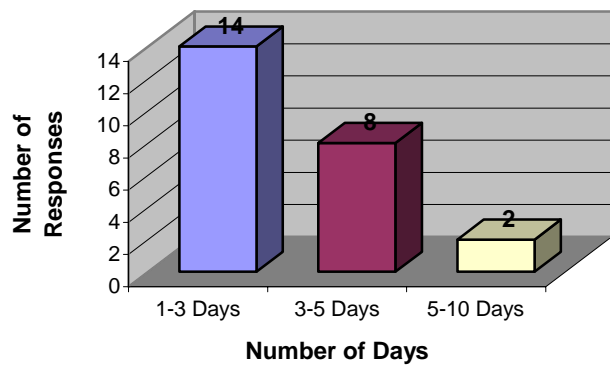
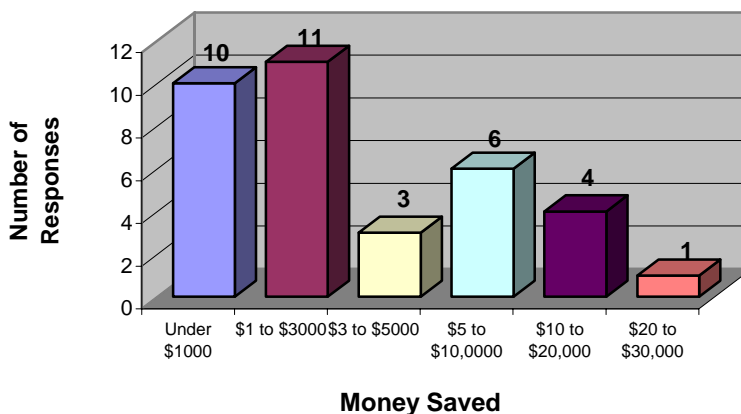


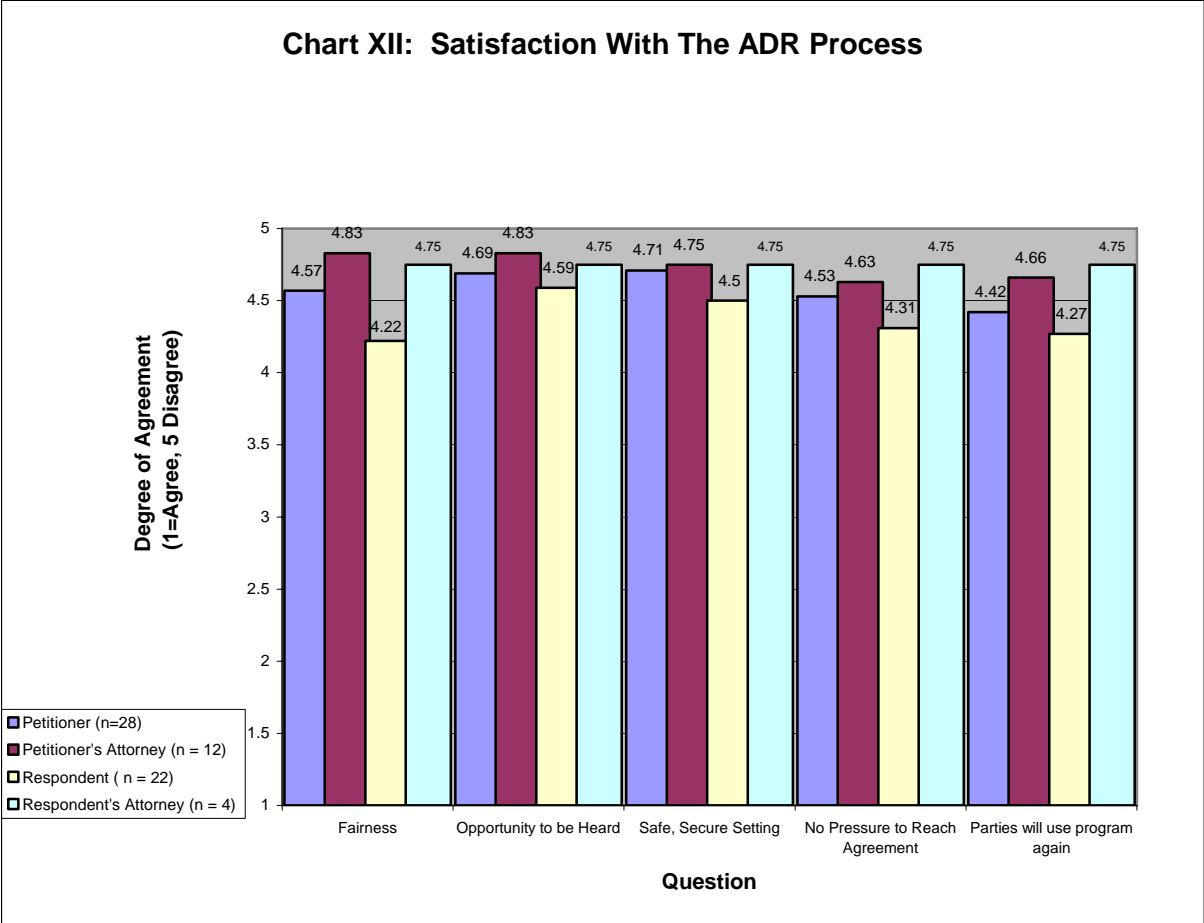
Chart XI: Reduced Costs



Satisfaction with ADR process

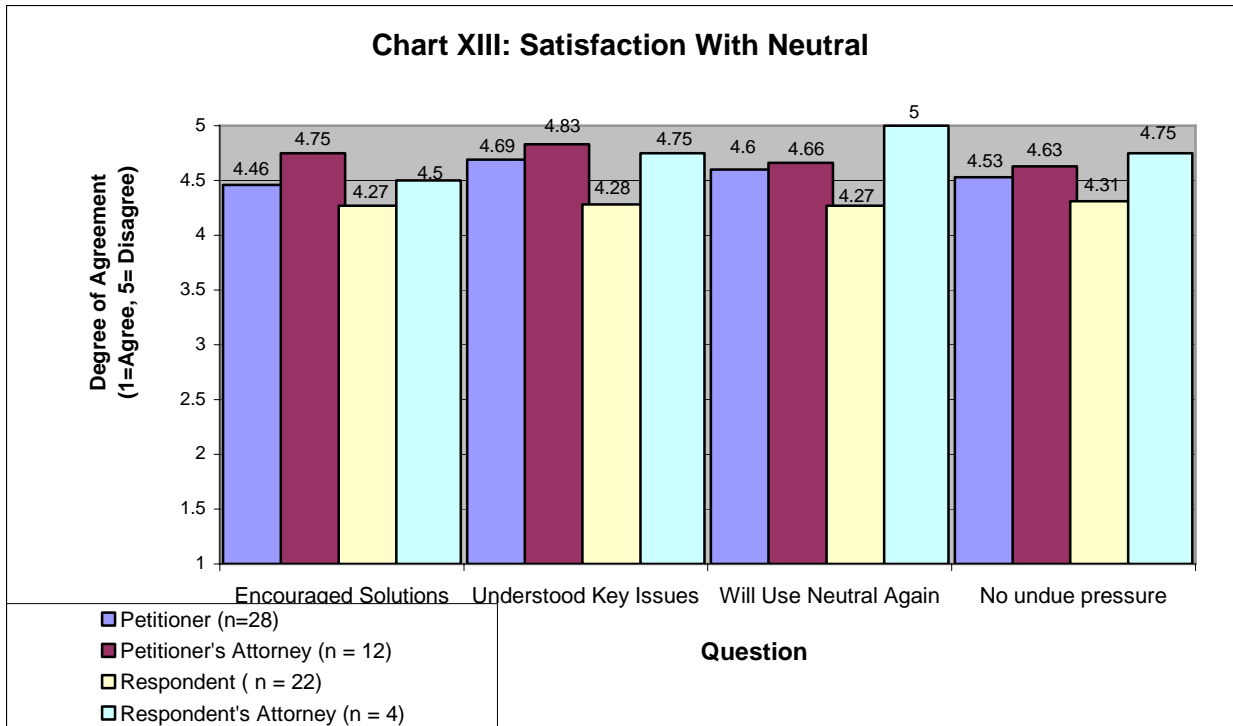
In order to evaluate participant’s satisfaction with the overall ADR process, both attorneys and parties were asked about four areas: fairness, the opportunity to be heard, a safe and secure ADR setting, and satisfaction with the ultimate outcome. Evaluation respondents participated in both on-site staff mediation and panel mediation or arbitration. Answers were on a scale of 1–5, with 1 indicating strong disagreement and 5 being strong agreement. Satisfaction levels were further broken down based on type of participant. There were 66 completed answers to evaluation questions dealing with satisfaction levels of which approximately 76% came from parties and 24% from attorneys.

Chart XII illustrates the average response across all areas increased slightly from the last survey to a cumulative average of 4.85. Historically, attorneys give higher satisfaction levels than do parties in all areas. Satisfaction levels among parties this year were noticeably higher than last year, with Petitioners’ responses showing as slightly more satisfied than Respondents’ in all areas. The highest overall scores came in response to the questions about lack of pressure to reach an agreement, and participant’s willingness to use the program again.

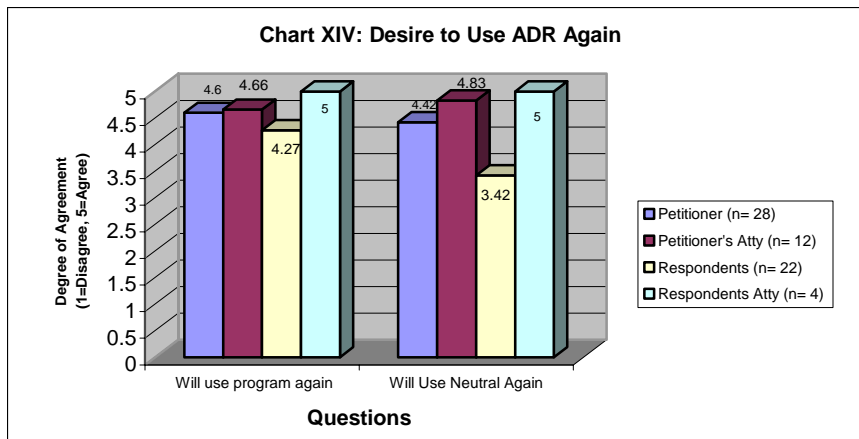


Satisfaction with the Neutral

Another important component of satisfaction is how the neutral served the parties and attorneys. Both attorneys and parties were asked about the absence of pressure from the neutral to reach agreement, whether the neutral understood the major issues and whether the neutral encouraged practical solutions. In these three key areas, the average satisfaction for all types of participants was high, ranging from 4.27 to 5.0. Again, these numbers slightly up from prior survey periods (4.2 and 4.4 last time). Attorneys had a higher satisfaction rating for the neutral than did parties, perhaps because they possess more realistic expectations, given their expertise and experience.

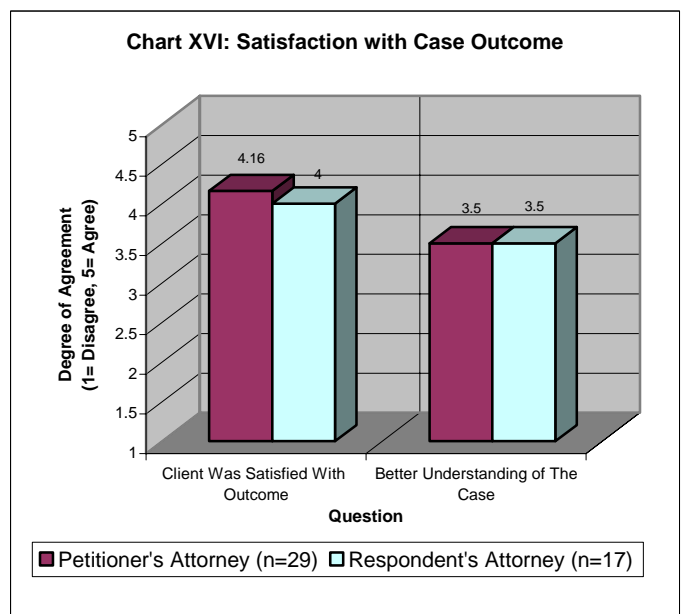
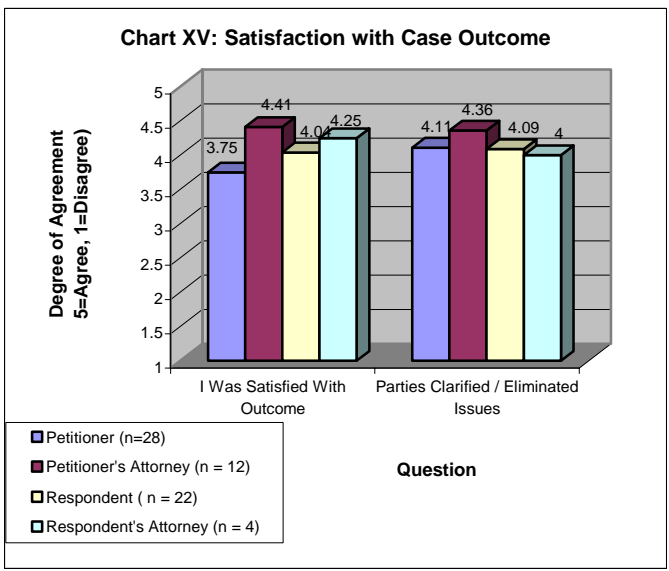


Another method of evaluating the success of the program is to determine whether participants would be willing to go through ADR again. All participants were asked whether they would use ADR again and whether they would use the particular neutral again. The scores for all participants to both questions rose slightly compared to prior years, to an average of 4.52, and as shown in Chart XIV below, attorneys were slightly more willing to use ADR, and the same neutral, than were parties.



Satisfaction with Case Outcome

Both parties and attorneys were asked to evaluate their satisfaction with the outcome of the case. As shown in Charts XV and XVI below, clients were not only satisfied with the outcome but reported having a better understanding of the case and that the session helped clarify or eliminate the issues in their case.



Finally, both attorneys and parties were asked to evaluate whether ADR helped the parties to communicate, and whether the session clarified or narrowed issues. Parties only were also

asked to evaluate ADR's impact on their conflict with the other party. Historically, the scores reflect the perception of participants that ADR has only a modest impact on improved communication between the parties and a decrease in conflict. The lower numbers reflected in the two categories below has remained constant throughout each evaluation. Perhaps it can be attributed to the emotional nature of family law matters or to unrealistic expectations about post-ADR cooperation. For the first time this year, however, the data reflects a small increase, in perception about enhancing communication, as shown in Chart XVII below.

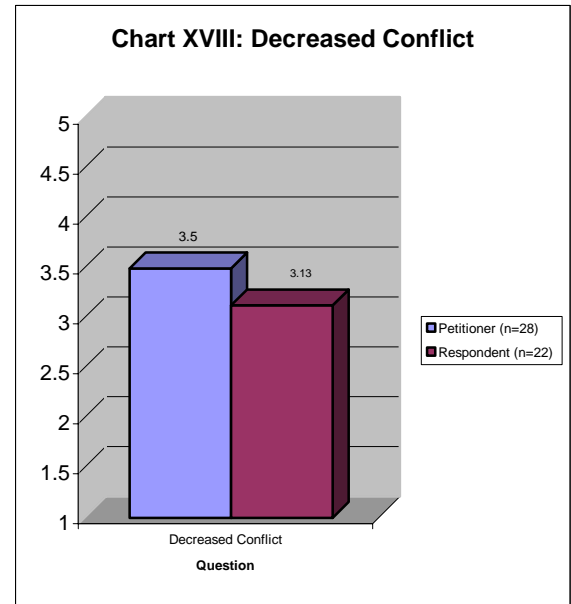
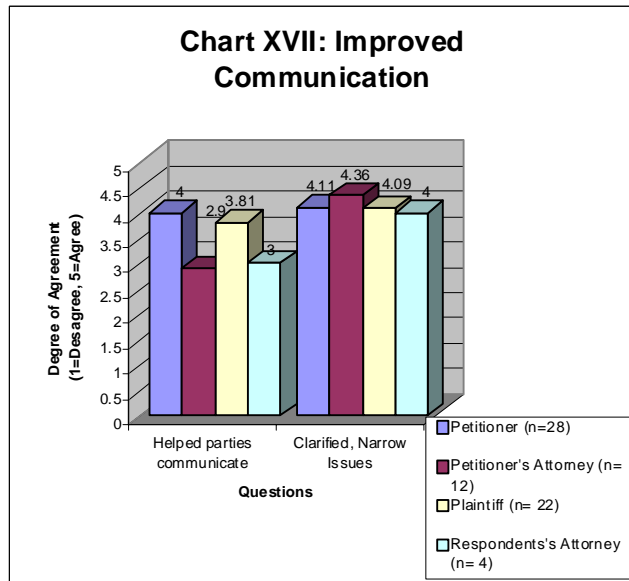


Chart XVII above shows the average response increased from 2.9 in the prior survey to 3.27 and from 3.6 to 4.14 respectively, on improving communication and clarifying issues. For participants responding to whether they believe ADR decreased conflict, the average of 3.31 shows no change from previous years results (See Chart XVIII).

Participant Comments

- The mediator is an excellent mediator. He prepared for the case and understood all documents presented to him. He is a skilled mediator and I would recommend him highly.
- Thank you! Client was ecstatic with the outcome – not only was the result very fair, it brought an end to two years' efforts to get her ex to deal with the issues and finally talk in a meaningful way. You handled the personalities very well too.
- This is an amazing service. You'll become very popular if more litigants find out about this program.
- Mediator, you did an excellent job of handling my ex. I commend you highly.
- Mediator was very fair, calm, respectful, sensitive and professional. I was more satisfied than my husband, apparently. He did not want to go back for further mediation and I did.

- The ADR Program definitely helped finalize the divorce in a cooperative, comfortable fashion. Helped avoid court battles and expense. Mediator is great!
- This is a wonderful program! Mediator was very helpful and really kept on track with the issues, and was calming when tempers flared.
- The stipulation that was prepared was fair and detailed – exactly what we needed.
- We were both satisfied with the results of mediation.
- I would like to thank the courts for everything. God bless this system.
- The mediator had excellent inter-personal skills and did a fabulous job with a difficult and conflict ridden situation.
- I believe, Mediator, did a great job in helping us settle our case. Thank you! I will definitely recommend his services.
- Cut the costs by 1/5 to 1/10 of what a full case would have cost.
- You are doing a great job! Thank you!
- In this case the parties were able to settle 90% of this case and came back for a follow up session to try to settle the entire case.
- This was an ideal option for the couple. Avoided court's time.

Conclusion

Success is measured not just in increased referral rates, but in a steadily growing awareness among the bench, bar, and litigants about ADR, and the potential for its use within the complexities of the family law court. As the program has evolved and expanded, there have been opportunities to share the insights gleaned over the years. It is hoped that these opportunities will increase, and that the program's cumulative experiences may be of benefit to other programs around the state and beyond.

SMALL CLAIMS MEDIATION

Summary of Program / Current Highlights

The Small Claims Mediation Program provides voluntary, “day-of-court” mediation services at both the Central and Southern Branches of the San Mateo Superior Court. The Program’s success is dependent upon a pool of dedicated volunteers, attorneys and non-attorneys alike, who offer their expertise as neutral third parties that facilitate focused communication between litigants to give them a final opportunity to settle their case at the scheduled court hearing. If the parties do reach an agreement, the Court will dispose of or continue the matter as appropriate. The Court file reflects that the parties reached a mediated agreement. If an agreement is not reached, a hearing proceeds as usual. The Program also offers “pre-hearing mediation” will allows parties to schedule a mediation prior to the date of their court appearance. Settlement in these cases often allows the case to be removed from the Court’s calendar completely prior to the hearing.

During FY08, the Program saw the retirement of the original long-time Coordinator. Since March of 2008, the current Coordinator has been busy establishing and/or sustaining relationships with key stakeholders such as: the mediator panel; the Advisory Committee; community partner Peninsula Conflict Resolution Center (PCRC); the Court Self-Help Center; the Small Claims Commissioners; the Small Claims Clerks & Supervisor; and the Court Services Managers. In addition, the Coordinator has been involved in the following projects/initiatives:

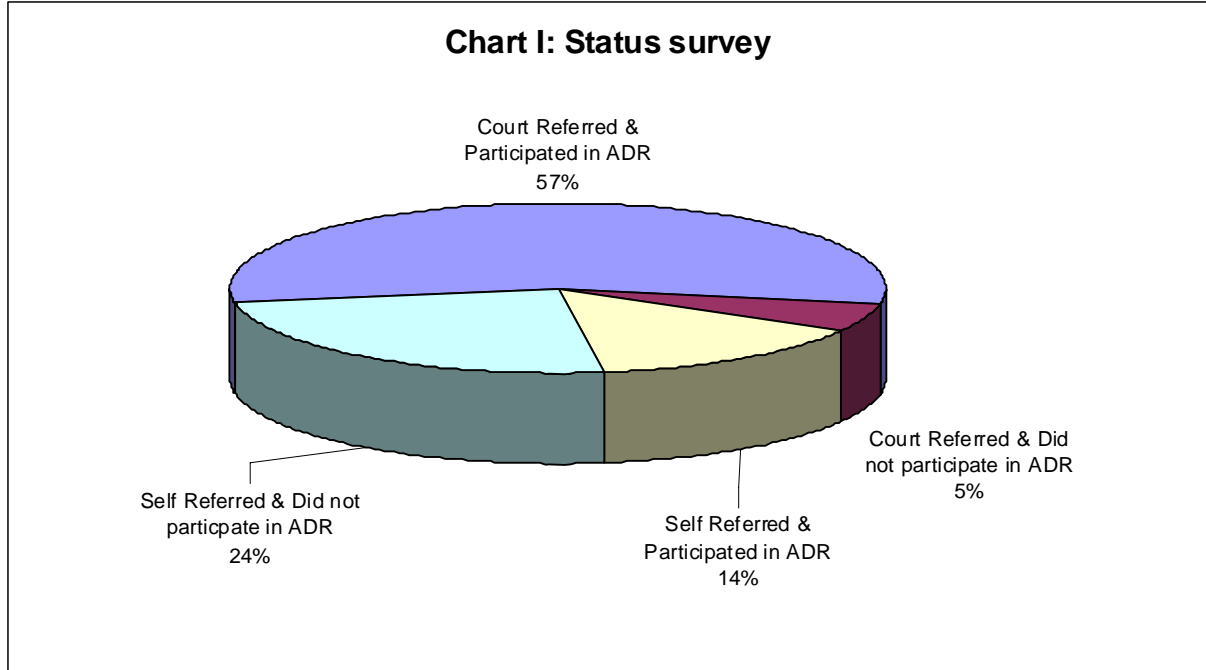
- Revival, implementation and refinement of program to utilize volunteer Spanish interpreters for mediations and client consultations;
- Revision and compilation of marketing materials;
- Assistance to Self-Help Center in applying for AOC grant to provide workshops focused on Small Claims Spanish-speaking clients;
- Exploring of more appropriate mediation space at Central Branch;
- Considering expansion of mediation services (including procurement of confidential mediation space) at Northern Branch;
- Building collaboration with PCRC regarding volunteer coordination and outreach.

During the next 6 months, the Coordinator will be continuing the efforts listed above, with special focus on community outreach for the Small Claims Mediation Program as well as other MAP programs.

Case Statistics

For the second time, this report includes cases that were self-referred or referred by some other entity other than the Court as well as the Court referred cases. Often cases not referred by the Court participate in mediation sessions or the conciliation process prior to a Court scheduled hearing. Of the 152 total cases referred, 59 or 39% were self referred cases, a significant increase from the last report where self referred cases only accounted for 8% of the total cases.

Chart I: Status survey



107 cases, or 70%, of the 152 total referrals voluntarily participated in mediation, and 45 cases, or 30%, did not participate in mediation. Previous reports have included data categorizing reasons for non-participation. Data collection faltered during the transition from one coordinator to the next and, therefore, we have chosen to omit this particular data for this report.

Of the 107 cases that participated in ADR, 57 (53%) successfully resolved their dispute and 50 (47%) did not reach a resolution. See Table I below.

Table I: Comparison of Settlement Agreements

Case Status	% of Cases in 2000-2001	% of Cases in 2001-2002	% of Cases in 2002-2003	% of Cases in 2003-2005	% of Cases in 2007-2008
Fully Resolved	57%	38%	63%	63%	53%
Not Resolved	43%	62%	37%	37%	47%

Compared to prior years, the number of cases that fully resolved has decreased. While there may be several reasons for this, one significant change that may be contributing to this decrease is the decrease of time available for mediations on our Tuesday evening calendars at the Central Branch. Our Advisory Committee and Coordinator will be addressing in upcoming meetings and the Coordinator is generating ideas for improving our service delivery for that evening calendar.

Types of Cases

Debt collection was the main issue in small claims' mediations in the report period, up 8% from the last report. "Breach of Contract" and consumer-related issues were also common. There was a huge decrease in the "Professional Services" category. In the previous report period, there were several similar cases brought against the same defendant, an eye surgery clinic. All the plaintiffs received settlements with the assistance of the District Attorney's Office in collaboration with the Small Claims Mediation Program. This situation created an uncharacteristically high percentage for this category. Wage claims increased 5% in this report period.

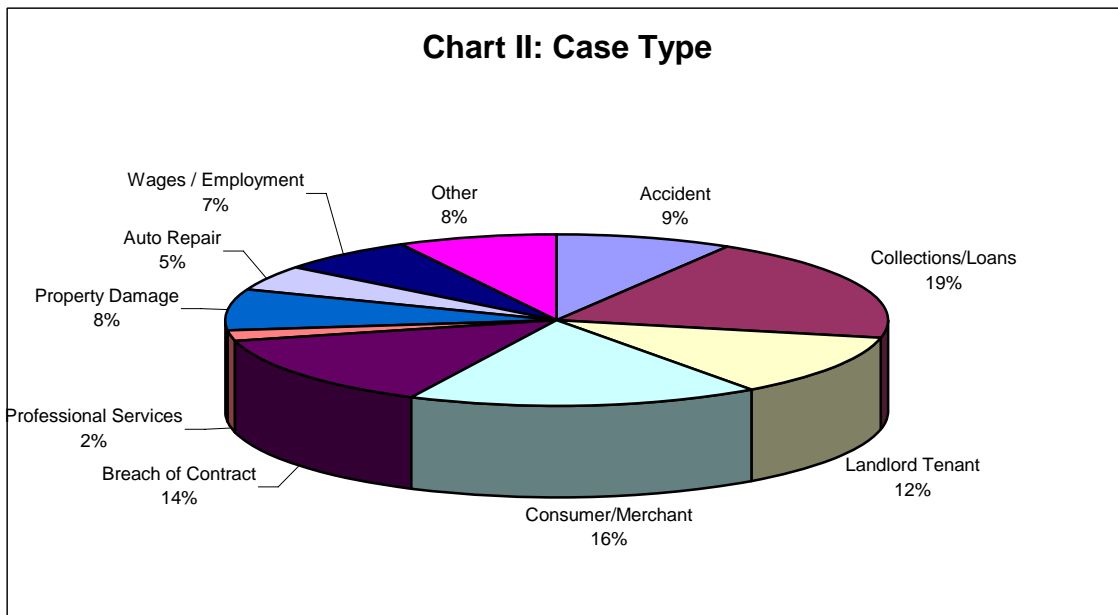


Table II: Comparison of Case Types

Dispute Type	% of Cases in 2000-2001	% of Cases in 2001-2002	% of Cases in 2002-2003	% of Cases in 2003-2005	% of Cases in 2007-2008
Accident	—	—	—	11%	9%
Contracts	24%	33%	23%	15%	14%
Landlord-Tenant	10%	25%	25%	18%	12%
Car Repairs	12%	14%	9%	7%	5%
Property Damage	16%	12%	10%	5%	8%
Consumer - Merchant	—	7%	13%	16%	17%

Dispute Type	% of Cases in 2000-2001	% of Cases in 2001-2002	% of Cases in 2002-2003	% of Cases in 2003-2005	% of Cases in 2007-2008
Collections	17%	4%	11%	12%	20%
Professional Services	—	—	9%	14%	2%
Wages/ Employment	—	—	—	2%	7%
Other (Towing, Real Estate, Family, other)	—	—	—	—	8%

Client Evaluation Survey Data

Satisfaction with the ADR Process

As is consistent with most other evaluated ADR processes, the Small Claims Mediation Program continues to find that parties, regardless of resolution outcome, have high satisfaction with our process. One hundred surveys were returned. On a scale of 1 to 5 the survey resulted in cumulative scores of 4.6 on various satisfaction questions. See Chart III. There was also a cumulative score of approximately 4.5 on parties' willingness to use a mediator again, and willingness to recommend mediation to others. See Chart IV. These results are fairly consistent with the survey for the prior years.

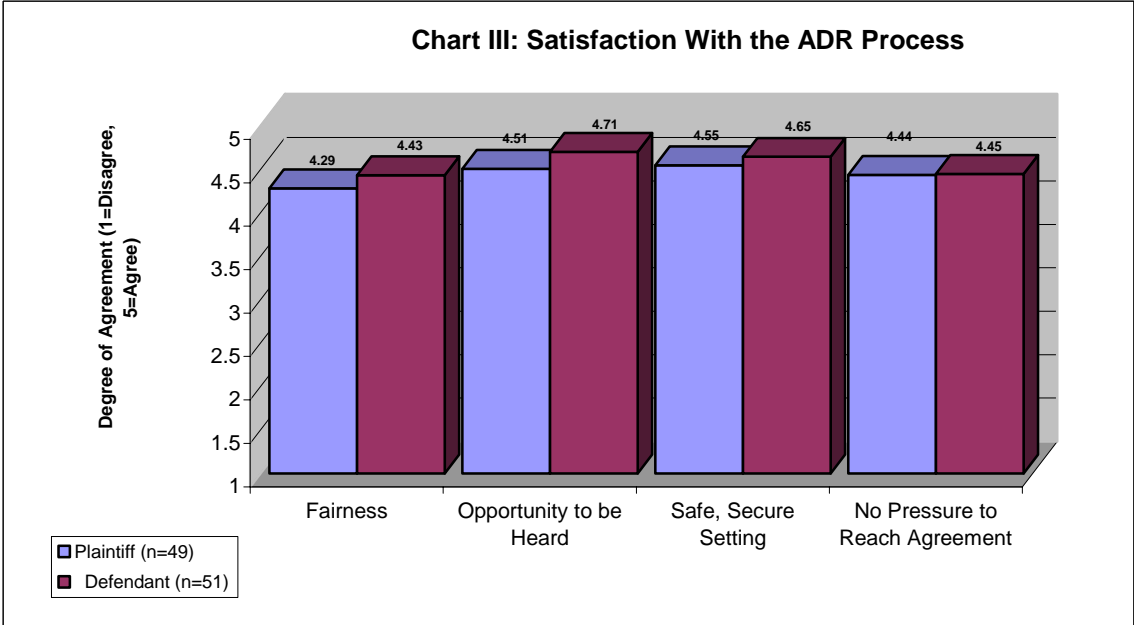
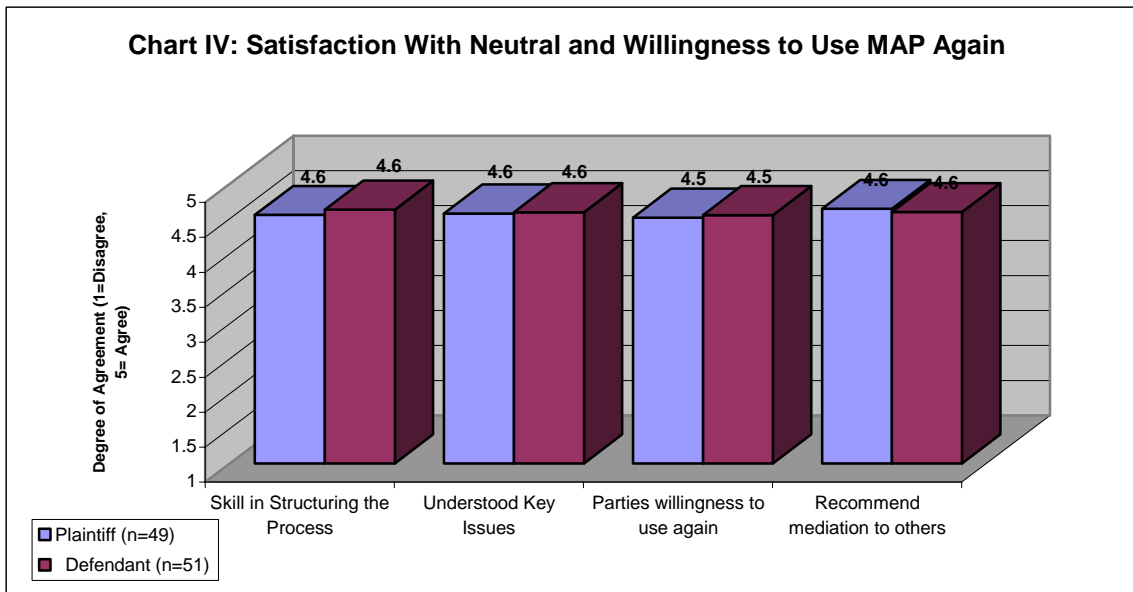
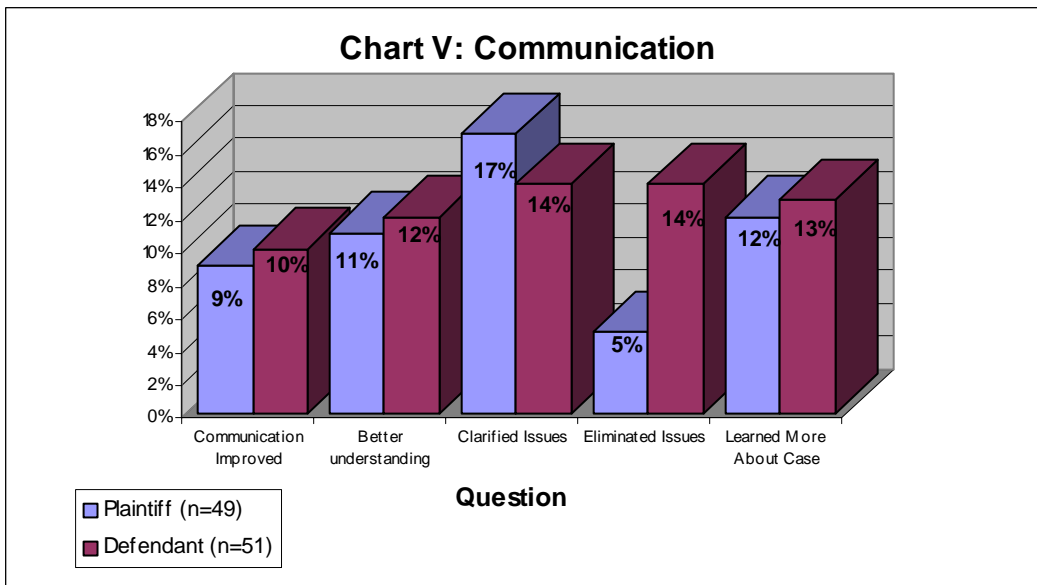


Chart IV: Satisfaction With Neutral and Willingness to Use MAP Again



Better Communication and Understanding of Case Using ADR

Chart V: Communication



On the questions regarding communication and understanding between the parties, Chart V below measures responses to questions related to better communication, better understanding of the case, and parties' ability to clarify issues. Of the 100 surveys returned, there were 49 plaintiffs and 51 defendants responding to these questions, however, not all questions were answered by all respondents. The majority of respondents believed that ADR improved communication, clarified issues and provided parties with a better understanding of the case.

Conclusion

Looking ahead, our goals will be to maintain our current services with the same high quality that has been our reputation while facing resource challenges, such as budget issues; transitions in our mediator pool; and, most importantly, appropriate allotments of space and time for our process to be of value. The Program will be working closely with the Self Help Services Division to do more outreach about our Program which, in turn, will hopefully generate more “pre-hearing” mediation opportunities for our mediators to use their skills in a more traditional mediation process and keep them engaged with us. Once our core services are stabilized, we will continue to explore expansion opportunities.

JUDICIAL ARBITRATION

Introduction

The Judicial Arbitration Program provides litigants with the opportunity to resolve their dispute using a court appointed arbitrator. Judicial Arbitration is a less formal process than a trial. In cases valued under \$50,000, the parties can be ordered to Judicial Arbitration by statute. Parties also have the opportunity to stipulate to this process. The Judicial Arbitration process is free of cost to the parties. The arbitrators receive \$150.00 per case from the Court. The Judicial Arbitration Administrator oversees the 200 arbitrators on the panel.

The Judicial Arbitration Program is running smoothly with cases remaining on track. The satisfaction levels are still high and only a small percentage of the total cases actually proceed to trial after arbitration.

A training "How to be Effective in Judicial Arbitration" was offered in September, 2007 to the private bar. Judge Weiner and three of the Judicial Arbitration Advisory Committee members participated. The training went very well and was well received. As a result a campaign for new arbitrators, "Each One Get One", went out to the existing panel of arbitrators to jump start interest in attorneys applying to become arbitrators.

Evaluation Scope and Survey Methodology

This report is for the period of 7/1/07 through 6/30/08. Two evaluation instruments were developed, one for the arbitrators and one for the attorneys and/or pro pers. The form was sent to the parties and/or attorneys of record and to the arbitrator after the award of arbitrator was filed.

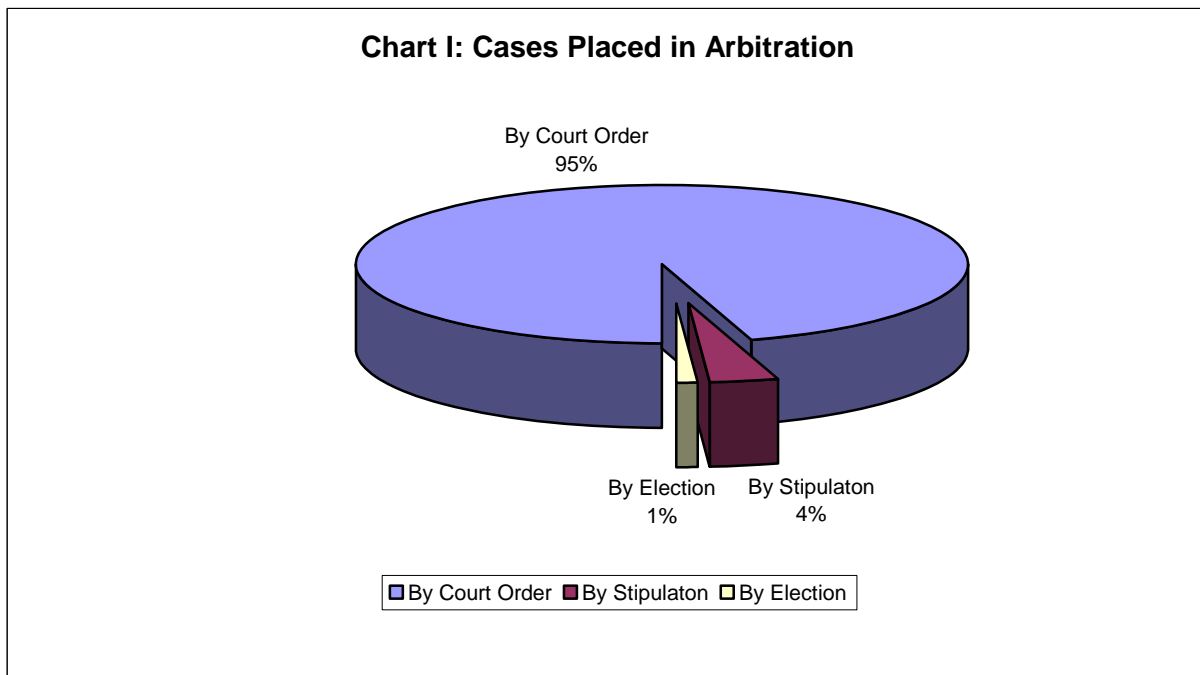
This report evaluates qualitative and quantitative statistics of the judicial arbitration sessions. The quantitative statistics cover the number of cases using the process, the types of cases using Judicial Arbitration and the disposition of these cases. The qualitative component reflects the participants' satisfaction with the process. It also shows the success of the process in reducing or increasing court time and costs.

Evaluations of the program and the arbitrators remain highly satisfactory.

How Cases Enter Arbitration

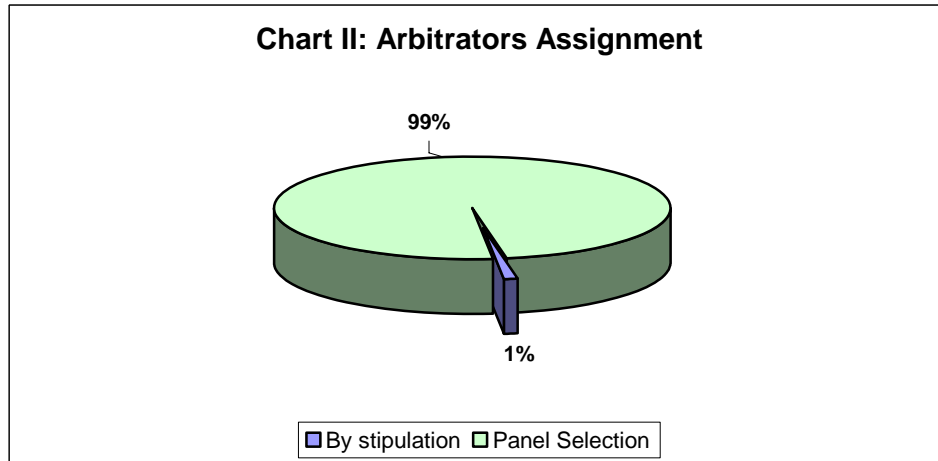
The majority of the cases that are in judicial arbitration have been ordered by the Court at the Case Management Conference as allowed for under the statute. Only a small percentage of the total number of cases in arbitration are cases where the parties have stipulated to arbitration or the plaintiff has elected arbitration.

For the period of July 1, 2007 through June 30, 2008, 352 cases or 95% were ordered by the Court to arbitration, 13 cases or 4% the parties stipulated to arbitration and 4 cases or 1% the plaintiff elected arbitration for a grand total of 369 cases in arbitration (See Chart I).

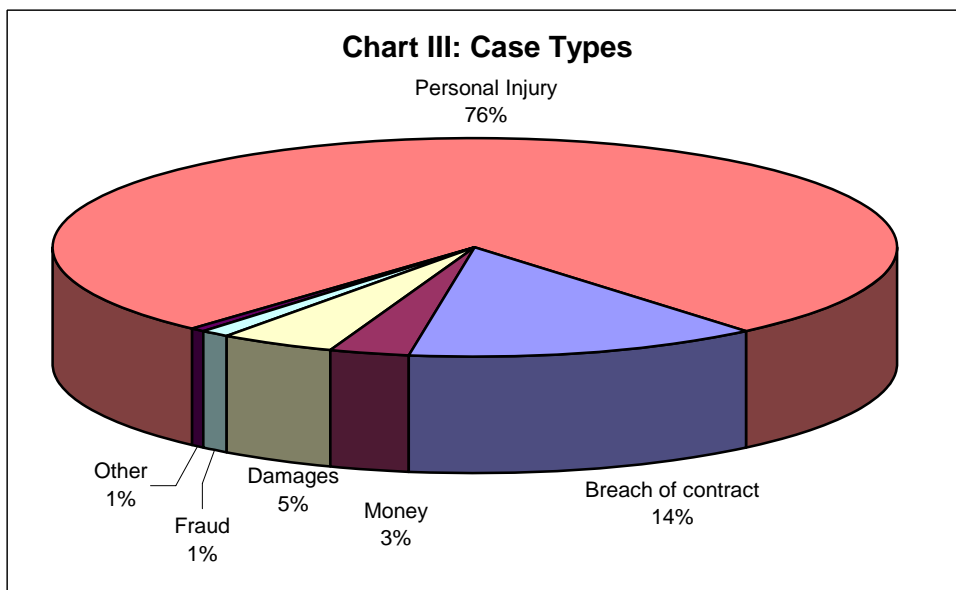


Arbitrator's Assignments

During this period, the arbitrators assigned to an arbitration case totaled 365. Of this total, in 361 cases or 99%, the arbitrators were selected from the randomly selected panel of arbitrators and in 4 cases or 1%, the parties stipulated to the arbitrator. (See Chart II).



Case Types



As Chart III (above) shows, the majority of cases in arbitration are personal injury cases with a total of 285 or 76% of the total cases in arbitration this fiscal year. Breach of contract, 50 cases or 14% and money, 11 cases or 3%, damages 17 cases or 5% and 4 fraud cases or 1% and 2 miscellaneous cases (declaratory relief and quiet title). These results are consistent with prior years.

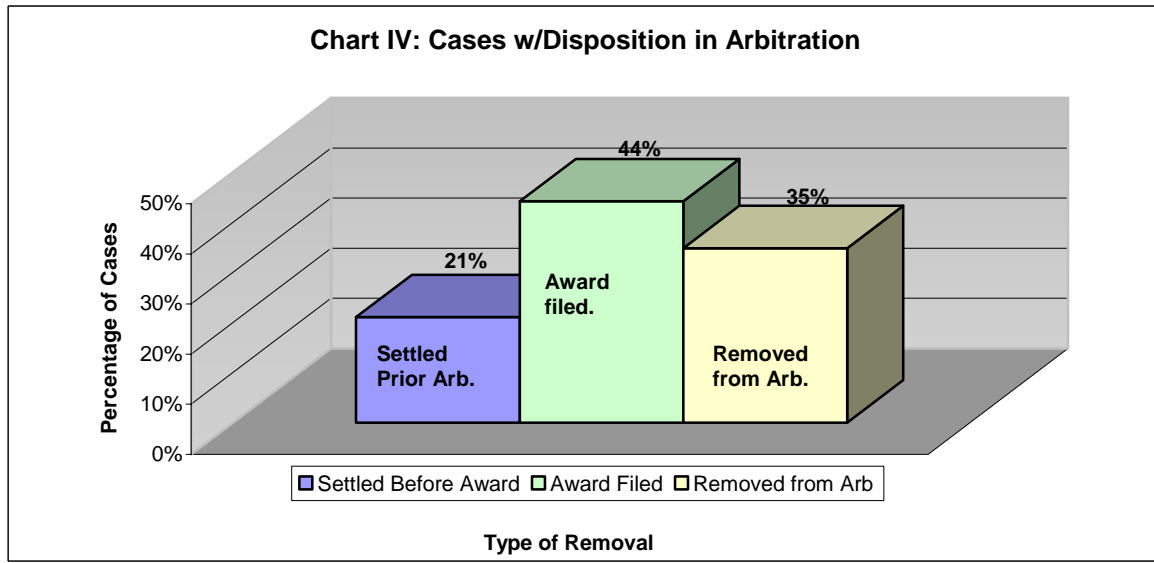
Table I: Comparison of Case Types

Table I, below, outlines a comparison of four years of information. The figures show similar results as outlined before. (Note: This comparison table shows data for the years 2002-2003; 2003-2004; 2004-2005 and 2007-2008 separately).

Dispute Type	% of Cases in 2002-2003	% of Cases in 2003-2004	% of Cases in 2004-2005	% of Cases in 2007-2008
Personal Injury	75%	76%	67%	76%
Breach of Contract	12%	14%	19%	14%
Damages	11%	6%	10%	5%
Money	1%	2%	2%	3%
Fraud	9%	1%	2%	1%
Malpractice	—	.05%	—	—
Discrimination	—	.05%	—	—
Total Number of Cases	670	660	424	369

Dispositions

Of the 385 cases in arbitration that had a disposition during the period of 7/1/07 through 6/30/08, 81 cases or 21% settled prior to an arbitration hearing, 170 cases or 44% had an arbitrator's award filed and 134 cases or 35% were dropped from arbitration for the reasons outlined in the next section. (Cases Removed From Arbitration and Referred Back to Court. See Chart IV).



Cases Removed From Arbitration and Referred Back to Court

After cases were referred to judicial arbitration, 134 cases were removed from arbitration for various reasons. Most of the cases, 72 or 54% were dropped from arbitration as a result of the arbitrator's jurisdiction expiring and the cases being set for an Order to Show Cause hearing.

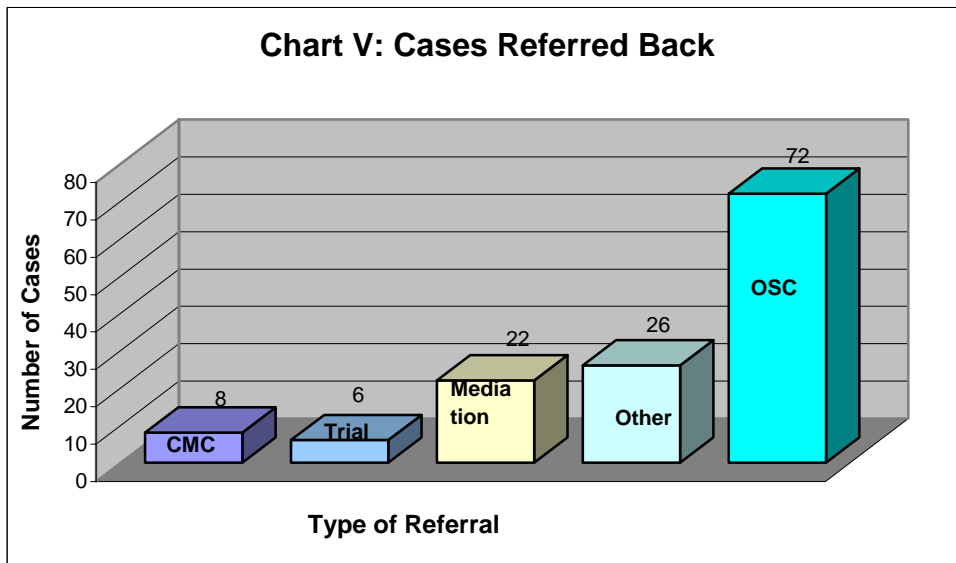
In 22 cases or 16% that were in arbitration, the parties stipulated to mediation in lieu of arbitration. One case filed for bankruptcy.

Twenty-five cases or 19% had a conflict with the appointed arbitrator and a new list of proposed arbitrators be sent out.

If the parties needed to continue their case beyond the arbitrator's jurisdiction they are required to submit and Ex Parte Motion and Stipulation to Continue the Arbitration Hearing. In 8 cases or 6% the judge denied the request and ordered the case to be set for a Case Management Conference and in another 6 cases or 5% the case was set for trial.

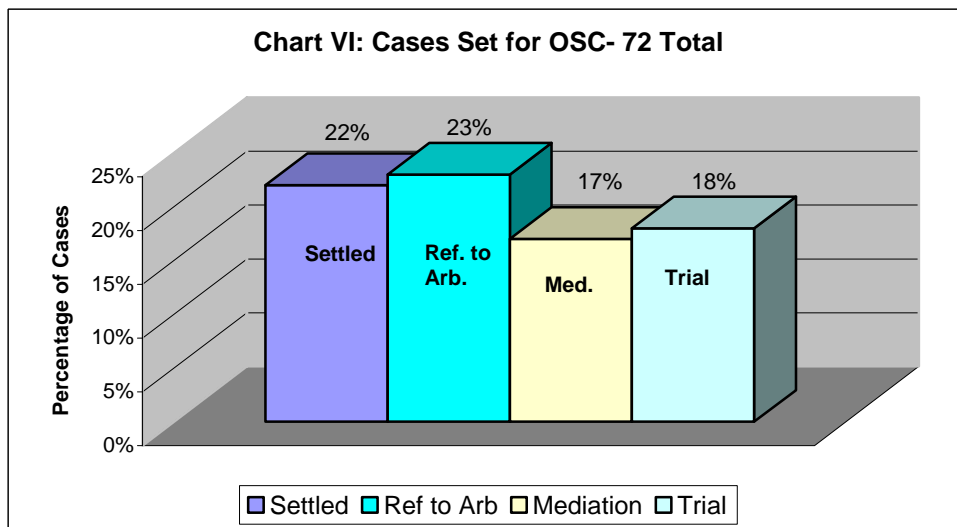
Having the ability to set cases for an OSC hearing has made it easier to keep the cases on track. . The Ex Parte Motion and Stipulation to Continue the Arbitration Hearing form is on the court's website which provides a more efficient way for the parties to request a continuance. For the most part, the attorneys and arbitrators have complied with the rules and have stayed within the statutory time

frames as set forth by the court or they have submitted the continuance request form to request the extension.



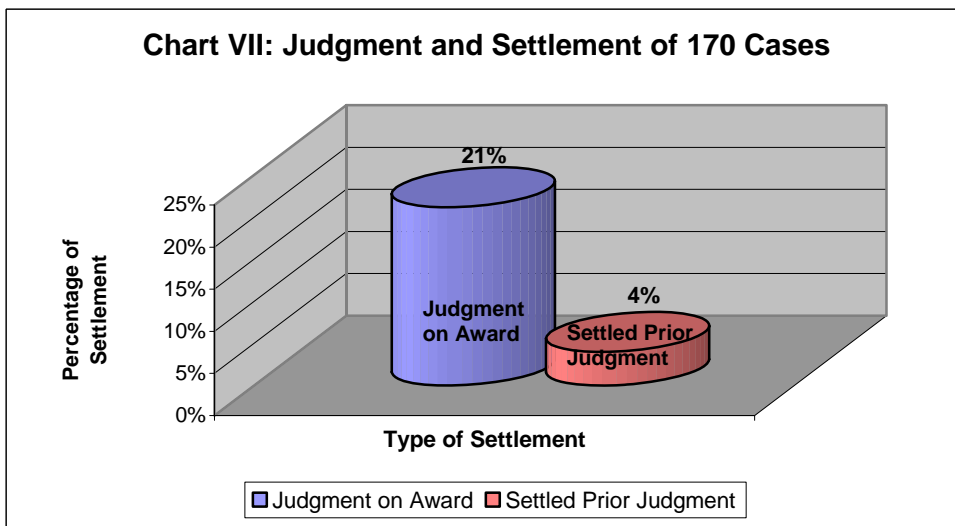
Order to Show Cause Hearings

During the period of 7/1/07 through 6/30/08, 72 cases were set for an OSC hearing due to the arbitrator's jurisdiction expiring. The number of cases being set for an OSC hearing has slowly been going down due to the result of a better tracking system and the parties staying within the arbitrator's jurisdiction. Of the 72 cases, 16 cases or 23% were re-referred back to arbitration, 12 cases or 17% went to mediation, 6 cases or 8% were set for a Case Management Conference and 13 cases or 18% were set for trial. A total of 16 cases or 22% settled and 1 case filed for bankruptcy. Eight cases or 12% had the OSC hearing still pending at the survey time. (See Chart VI).



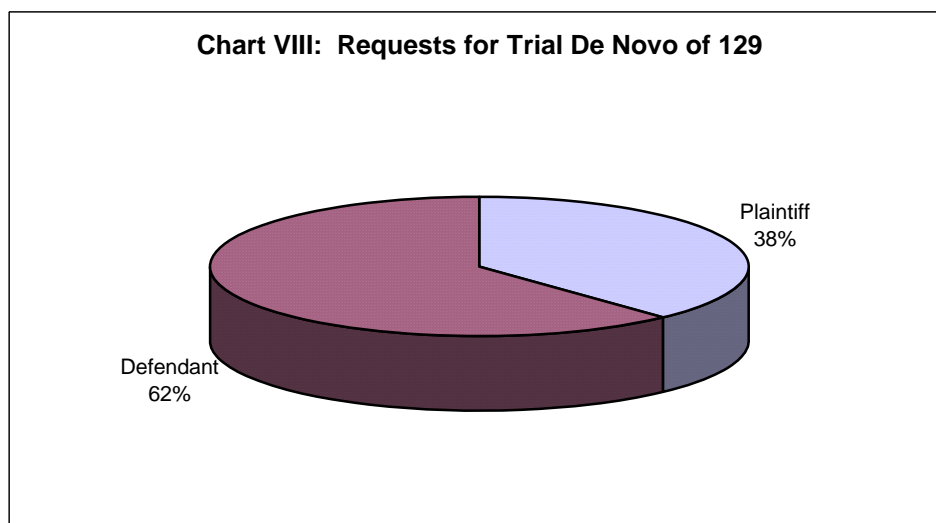
Judgments and Settlements of an Arbitrator's Award

Of the 170 awards filed during this time period, 36 cases or 21% had judgments entered on the award. Another 6 cases or 4% settled after the arbitrator's award was filed but prior to judgment being entered on the award. (See Chart VII).



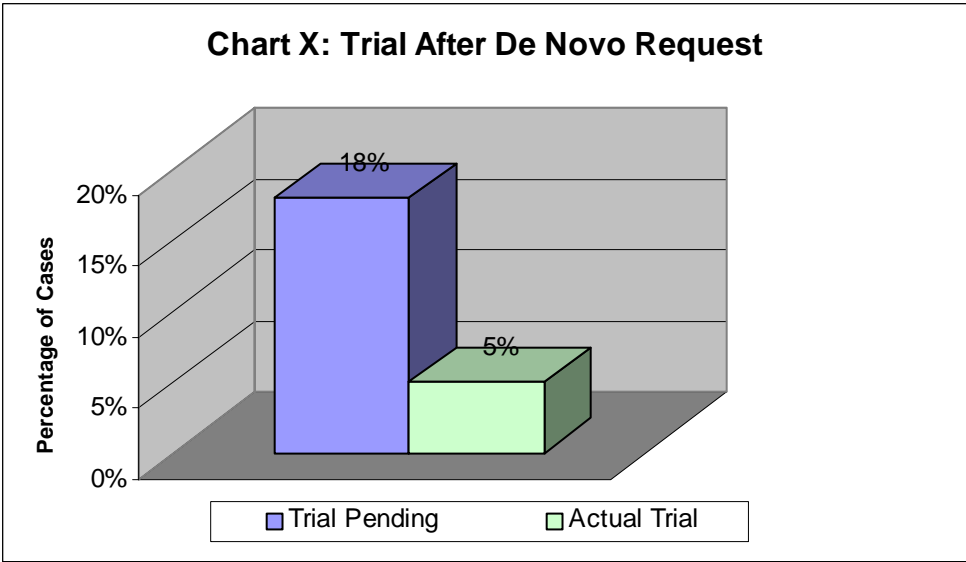
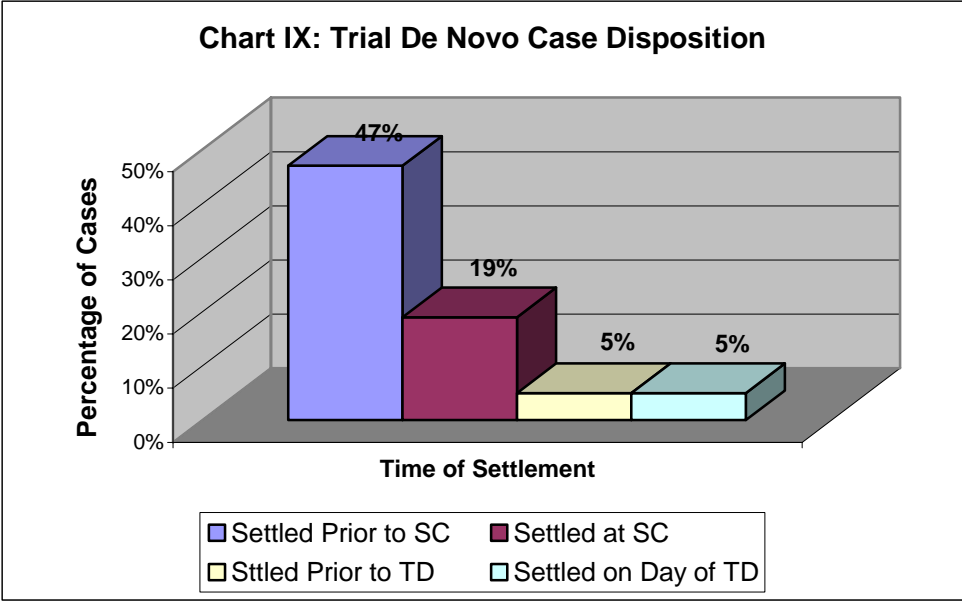
Trials De Novo and Settlement

During this reporting period, there were 129 requests for Trials de Novo filed. Of this total, 49 requests were by the plaintiff and 80 were requested by the defendant. (See Chart VIII)



Of this total, 60 cases or 47% settled prior to a settlement conference, 25 cases or 19% settled at the settlement conference, 7 cases or 5% settled prior to the trial date and 6 cases or 5% settled on the date of trial. One case filed for bankruptcy and 23 cases or 18% are still pending. And of the 129

cases where a request for trial de novo was filed, only 7 cases or 5% actually went to trial and reached a verdict (See Charts IX and X).



Cases Actually Tried After Arbitration

Table II: Comparison Of Arbitration Award And Trial Verdict

Comparing the arbitration awards with the actual trial verdicts shows a high percentage of verdicts and awards that were the same or similar. Only 2 cases had significantly different dispositions, as shown below in Table II.

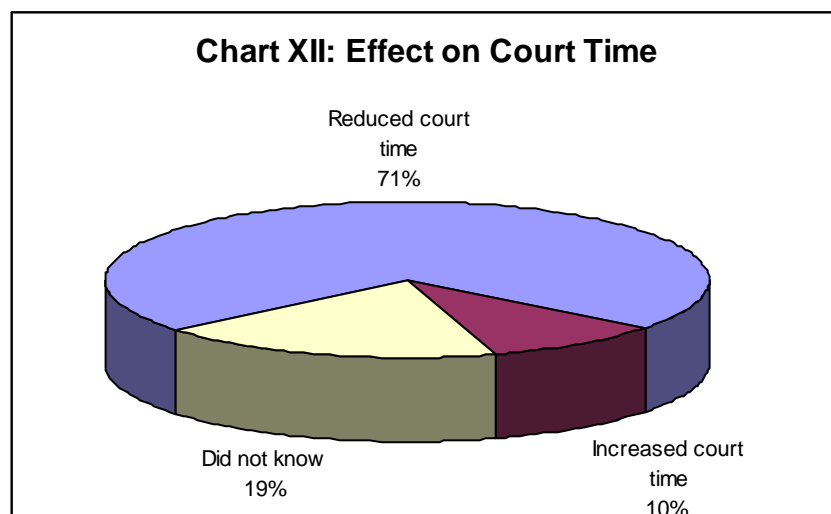
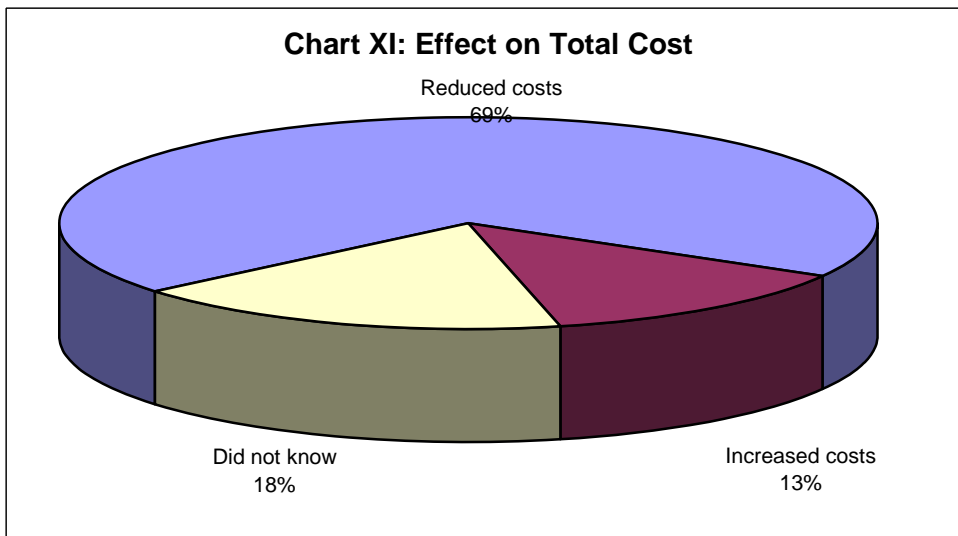
Arbitration Award For	Amount Awarded	Party Requesting Trial	Trial Verdict For	Amount Awarded at Trial
Plaintiff	\$28,930.00	Defendant	Plaintiff	\$29,631.00
Plaintiff	\$807,878.30	Defendant	Plaintiff	\$0.00
Plaintiff	\$100,000.00	Defendant	Plaintiff	\$705,001.00
Plaintiff	\$38,926.56	Defendant	Plaintiff	\$38,926.56
Plaintiff	\$22,800.00	Defendant	Plaintiff	\$22,800.00
Plaintiff	\$0.00	Plaintiff	Plaintiff	\$11,300.26
Plaintiff	\$26,845.46	Defendant	Plaintiff	\$25,420.00

This portion of the report evaluates data received from the arbitrators and the parties.

Court Time and Cost

Of the 177 total responses received regarding the effect on court costs and court time during this period, 123 of the respondents thought costs were reduced and 127 of the respondents thought court time was reduced. Twenty three respondents indicated they believed court costs were increased and 17 respondents believed that court time was increased. (See Charts XI and XII).

Of the total responses, 31 believed they could not determine the effects on court costs and 33 believed they could not determine the effects on court time. Most of the parties who could not determine court costs and/or court time stated it was not possible to evaluate the effect on the court cost/time reductions and/or increases until the arbitration process was totally completed.



User Satisfaction

Chart XIII below, shows a very high level of satisfaction with the Judicial Arbitration Program with the average response ranging from 4.65 to 4.74 on a scale of 1 to 5 with 5 being the highest.

Plaintiffs' attorneys, defendants' attorneys and/or parties that responded thought the process was fair, felt they had the opportunity to be heard and would be willing to use the arbitration program again.

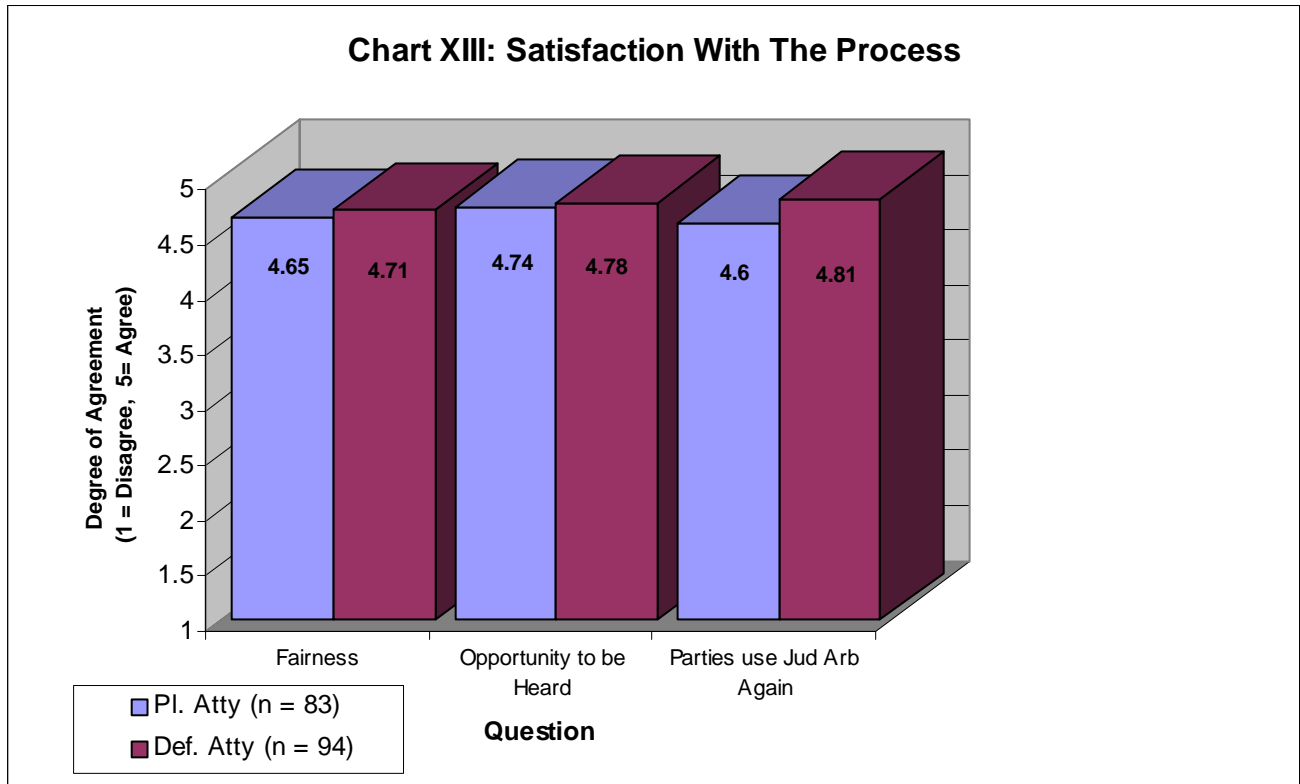
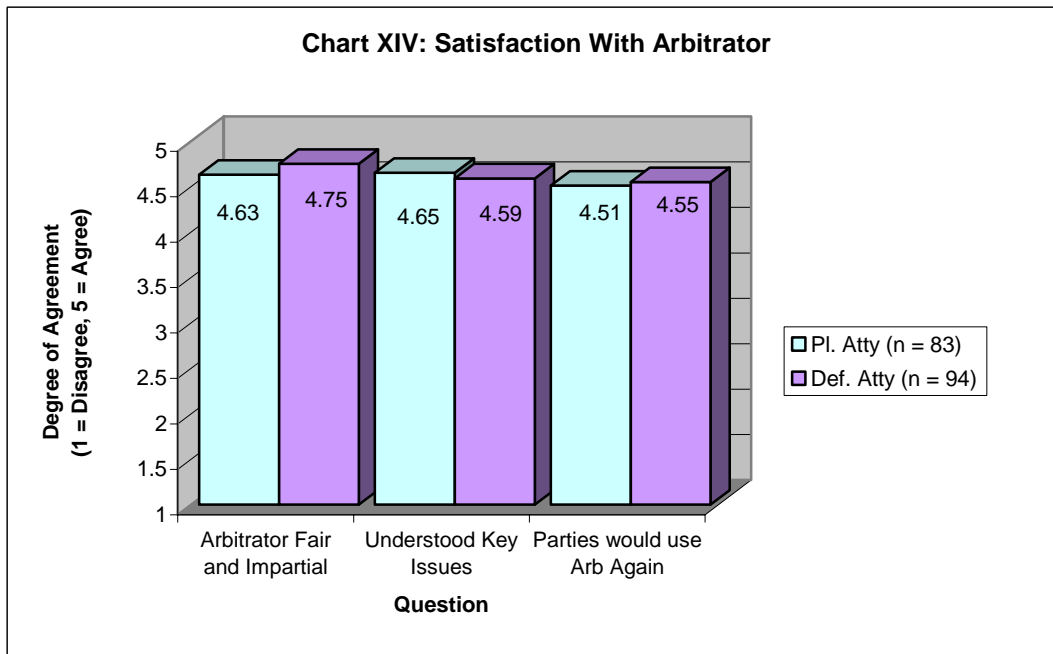


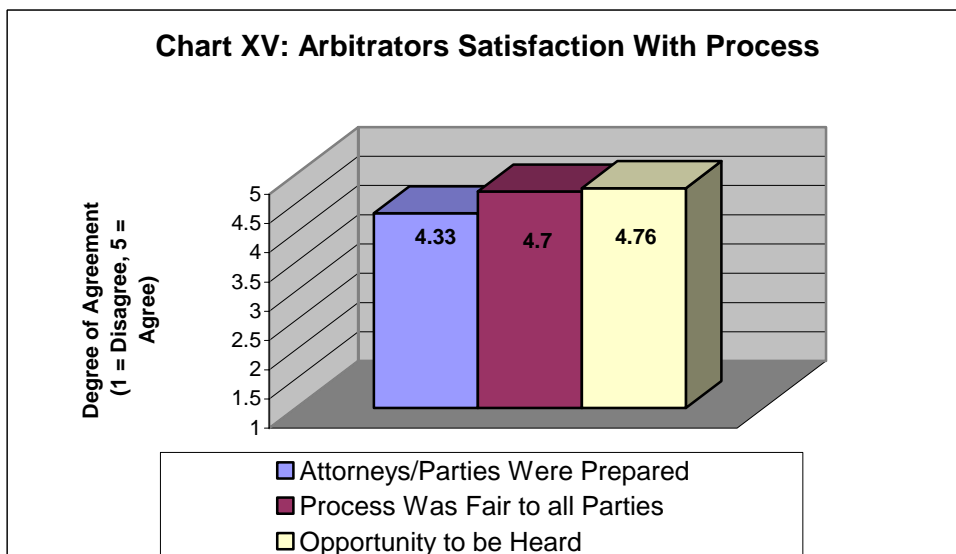
Chart XIV, below, reflects the attorneys and/or parties satisfaction with the arbitrator.

Plaintiffs' attorneys, defendants' attorneys, and/or parties felt the arbitrator was fair and impartial, understood key issues, and indicated they would use the arbitrator again.



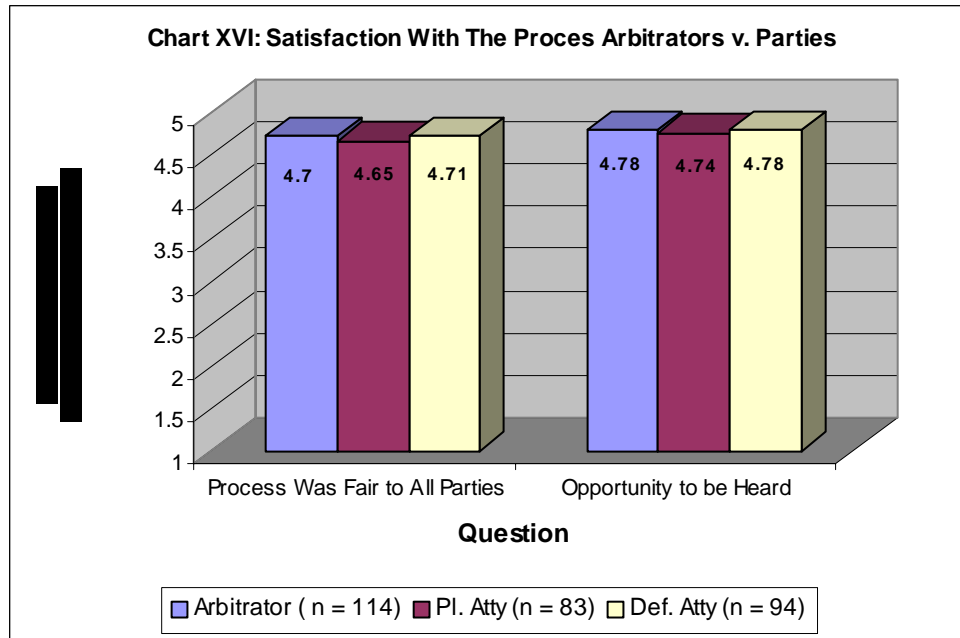
Arbitrator's Satisfaction

Chart XV below reflects some Arbitrators belief that one or both of the parties are not prepared for the hearing, but these responses have decreased in the last year or so.



Satisfaction - Arbitrator v. Parties

Chart XVI compares responses from arbitrators and from attorneys and/or parties in pro per on their respective levels of satisfaction regarding the fairness of the process and the opportunity to be heard. Both groups expressed high levels of satisfaction.



Conclusion

The parties clearly see value in the work being done by the judicial arbitrators as evidenced by very high satisfaction levels.

As outlined in this report period, the cases remain relatively the same. The number of cases ordered to arbitration has decreased some with the inclusion of other options, i.e. mediation, etc. for parties to use instead of trial.

It was also determined that more cases are going to mediation and those cases that do go to judicial arbitration, go to arbitration because the parties want this program. Thus, it is more likely that the parties will comply with the rules and will put more effort into the arbitration hearing.

JUVENILE MEDIATION PROGRAM

The San Mateo County Superior Court Juvenile Mediation Program provides mediation services for individuals and families involved with the Juvenile Justice System and the Child Welfare System.

The data used in this evaluation report is based upon responses submitted by mediation participants during the 2007-2008 program year.

Advisory Committee

The Juvenile Mediation Program is supported through the advice and guidance of a multidisciplinary Advisory Committee to best serve the needs of our participants and to ensure innovative advancement. The members of the Committee collaboratively contribute their broad base of knowledge and experience within the Juvenile Justice and Child Welfare systems to address program development and policy issues. The Advisory Committee includes representatives from the San Mateo Superior Court Multi-option ADR Project, Judiciary, District Attorney's Office, Private Defender Panel, Victim Services, Peninsula Conflict Resolution Center, Mental Health, Alcohol and Drug, Child Advocates (CASA), County Office of Education, Law Enforcement, Court Administration, Human Services Agency, Probation, and Youth and Family Enrichment Services (Youth Service Bureaus). The Committee meets two to three times a year to provide program guidance.

Delinquency Cases

History/Background

Mediation services between juvenile offenders and person(s) victimized or harmed by their behavior (Victim-Offender Mediation) have been offered through the Juvenile Mediation Program since April of 2001.

Victim-Offender Mediation is one of the cornerstones of "Restorative Justice", a philosophy expanding the response to crime beyond retributive sanctions. The mediation process offers victims an opportunity to ask the offender questions about the crime in order to address existing fears and concerns and to tell the offender how they were impacted and what they need from the offender to repair the harm. The process affords an active role within the juvenile justice system for victims of crime to hold the offender personally accountable for his/her behavior. In accepting personal responsibility for repairing the harm to the victim, the offending youth can make amends and take action to become a more productive and responsible part of the greater community. Mediation has been shown to build offender competencies, reduce recidivism, improve the safety of the community, and increase satisfaction with the justice process. When parties are able to repair the harm and resolve disputed restitution claims during mediation, the time and expense that would otherwise impact the courts and the community may be reduced. The program collaborates with other local government and non-profit agencies working with youth throughout the County of San Mateo. Mediators through the Peninsula Conflict

Resolution Center (PCRC) volunteer their services to the program after receiving advanced training specific to Victim-Offender mediation. Mediation is provided at no cost to the parties.

The program has experienced significant and continuing growth since the last reporting period. The number of referrals and completed mediations for this one-year reporting period is almost equal to that reported in the previous two-year reporting period. Such growth is a testament to the satisfaction of our participants, the excellent service of our staff and volunteers, and the support and confidence of our collaborative partners and referral sources within the community.

	7/1/2003 to 6/30/2005 (two year reporting period)	7/1/2007 to 6/30/2008 (one year reporting period)
New referrals during reporting period	300	280
Completed mediations during reporting period *	67	61

*The number of completed mediations reflect only those mediations completed during the program year and is not reflective of the number of new referrals that proceed to mediation.

Referring Agencies

Referrals to the delinquency program are received from the Juvenile Court Judges, Probation Officers, Law Enforcement, Schools, Human Services Agency, Youth Service Bureaus, and self-referred parties.

Strengthening and expanding our relationships with referring agencies has accounted for much of the growth seen during the past year. Many of the diversion contracts issued through the newly established diversion program of the San Carlos Police Department include a referral to the Mediation program as one of their early interventions. Of particular note has been the increased number of referrals received from San Mateo County Probation Department. Specifically, through close collaboration with the assessment center team (managers, staff and professionals), the mediation program is now considered an early intervention option for youth assessed through the center, and accounted for over 60 of the new cases opened this year.

Also of note, many of our referrals continue to include juveniles completing the Victim Impact Awareness (VIA) program. The VIA program, which started in December 2003, consists of a 7 week classroom curriculum that teaches youth offenders about the impact (financially, emotionally, physically, etc.) of crime on victims. Participants learn empathy toward victims through participatory educational activities, videos and victim presentations. As a requirement for completing the class, each offender is required to speak to a mediator from the Juvenile Mediation Program to determine whether they are willing and appropriate to participate in mediation with the victim of their crime.

Case Process

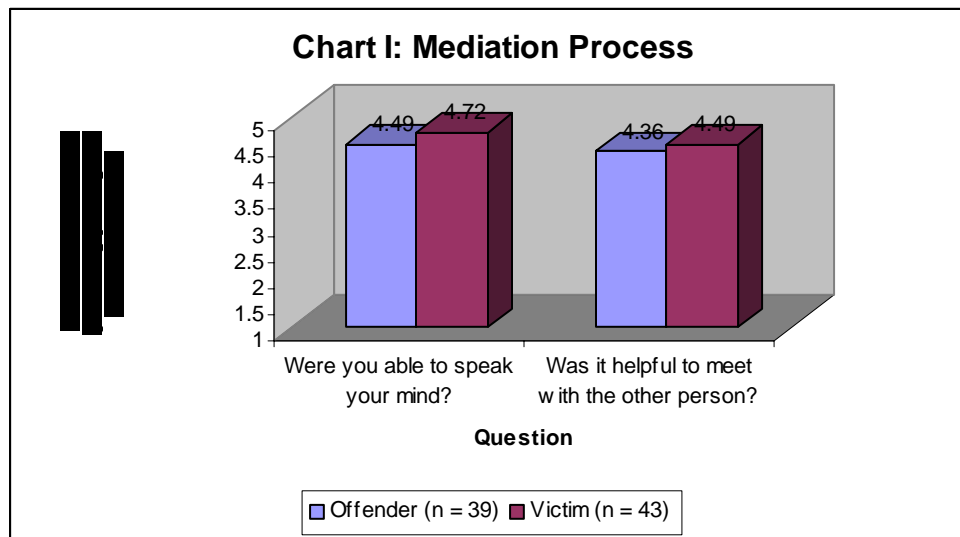
The Program Manager reviews and evaluates all documents received from the referring source. If the referral appears appropriate, the program manager will either complete “Case Development” or will assign a specially trained PCRC volunteer mediator to complete “Case Development”. Case Development is a pre-mediation assessment incorporating specific criteria to determine the appropriateness of mediation. This is accomplished through personal interviews with each potential participant to determine whether the case should proceed. If the case is appropriate for mediation, and the parties have agreed to participate, the mediation is scheduled to take place at the program site or at a location within the community convenient for the parties. Following completion of the mediation, the parties are requested to complete a questionnaire evaluating the process. Post-mediation follow-up with the parties is conducted if appropriate to determine whether mediation was successful and whether their mediation agreement was sustained.

Evaluation Design

Evaluation questionnaires (one each for victim, offender, parent) have been designed to elicit responses about the mediation process and participant satisfaction. Satisfaction response choices were on a scale from 1 to 5 as follows: **(1) Strongly Disagree; (2) Disagree; (3) Somewhat Agree; (4) Agree; and (5) Strongly Agree.**

Note: Charts are based on the responses received from those who completed mediation. The limited response rate may not be statistically significant, but it does provide a thumbnail sketch of how parties are reacting to the program.

Mediation Process



Both participants, victims and offenders alike, expressed high satisfaction with the mediation process. 95% of the participants responded that they agreed/strongly agreed that the mediation process provided them with an opportunity to speak their mind about the crime and the resulting harm. 91% of the participants responded that it was helpful to meet with the other party.

Victim Satisfaction

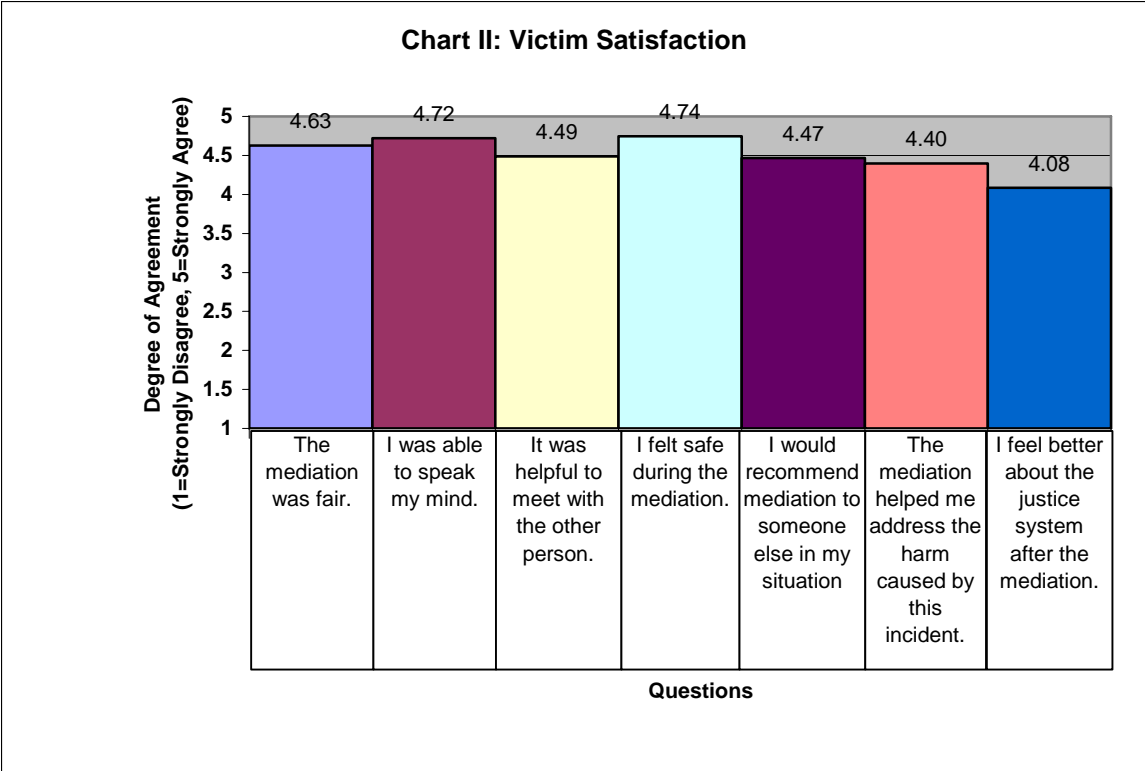
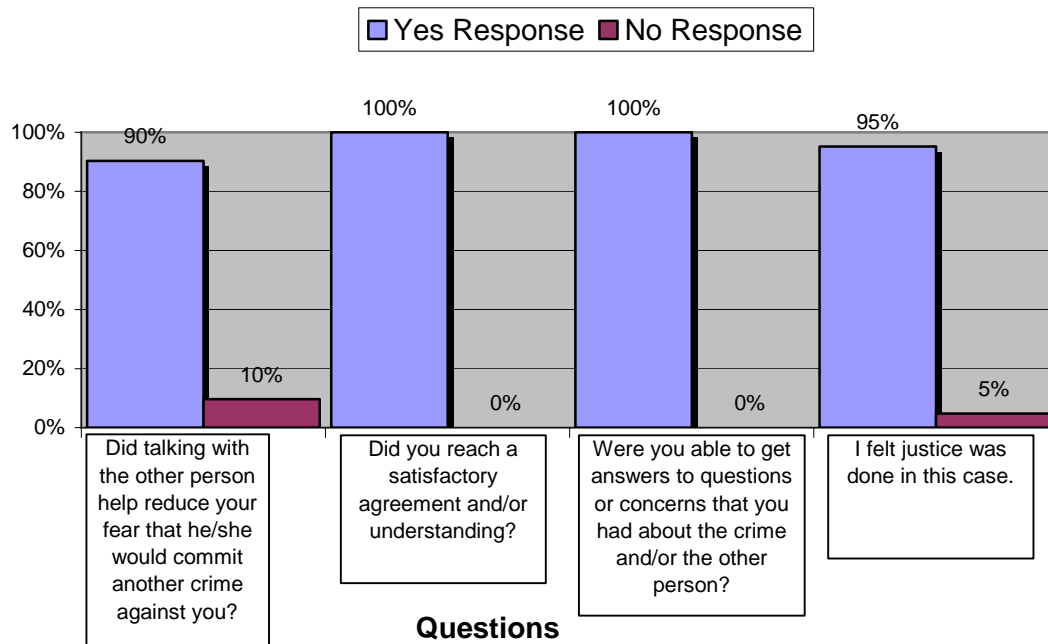


Chart III: Victim-Mediation Results



Crime victims expressed highly positive outcomes as a result of their experience through mediation and 95% felt that they had received justice in their case. All responding participants strongly agreed that they reached a satisfactory agreement or understanding with the offender and that they were able to get answers to questions or concerns they had about the crime and/or the other person. Crime victims felt better having a safe forum to tell their story and to express their thoughts to the offenders. They also found it helpful to meet with the offender and would recommend mediation to others in a similar situation.

90% of participating crime victims agreed that meeting with the offender helped to reduce their fear of being re-victimized by their offender. During mediation offenders are often humanized and the door is opened for participants to establish a level of trust and rapport necessary to explore supportive solutions to address the needs of both participants. These jointly created solutions address and repair the harm to the victim and often promote and encourage offenders to make better choices during future situations in order to succeed as productive adults within their community.

Comments made by victims following the mediation include:

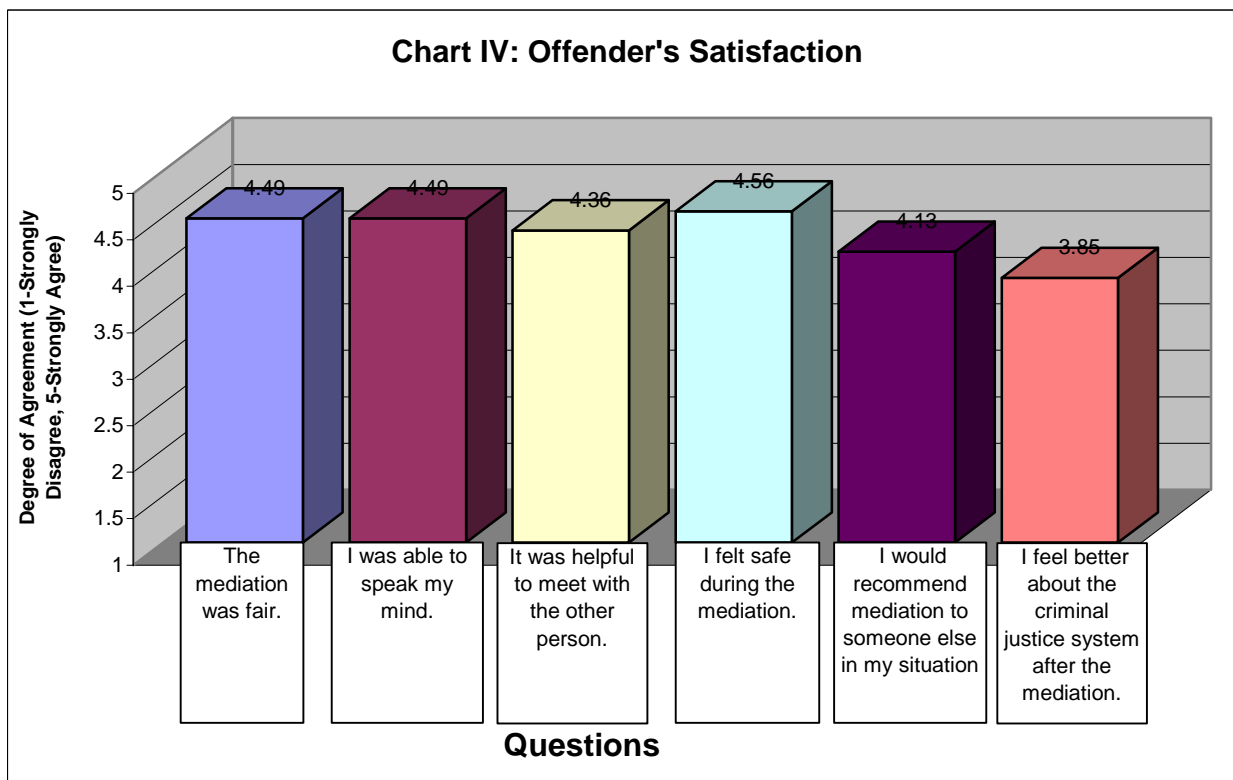
- It felt like an opportunity for all parties to express themselves and to move forward constructively.
- I was glad to see that the juvenile was redirecting his life and I appreciated the closure that the mediation interactions provided for me and my experience.
- I got information I had been unable to obtain prior to this meeting.
- That I was able to meet with the other person and speak my mind.
- Being able to discuss the crime and the consequences.

- That the youth served his time and learned from it that he wants to be a better person and make wise decisions. That I could speak freely in a comfortable and safe venue.
- It is hard to re-live experiences that are difficult, but it was a safe and respectful situation to do that.
- Despite any emotional moments, the experience was positive.
- Thank you for providing this service to the community.

Restitution

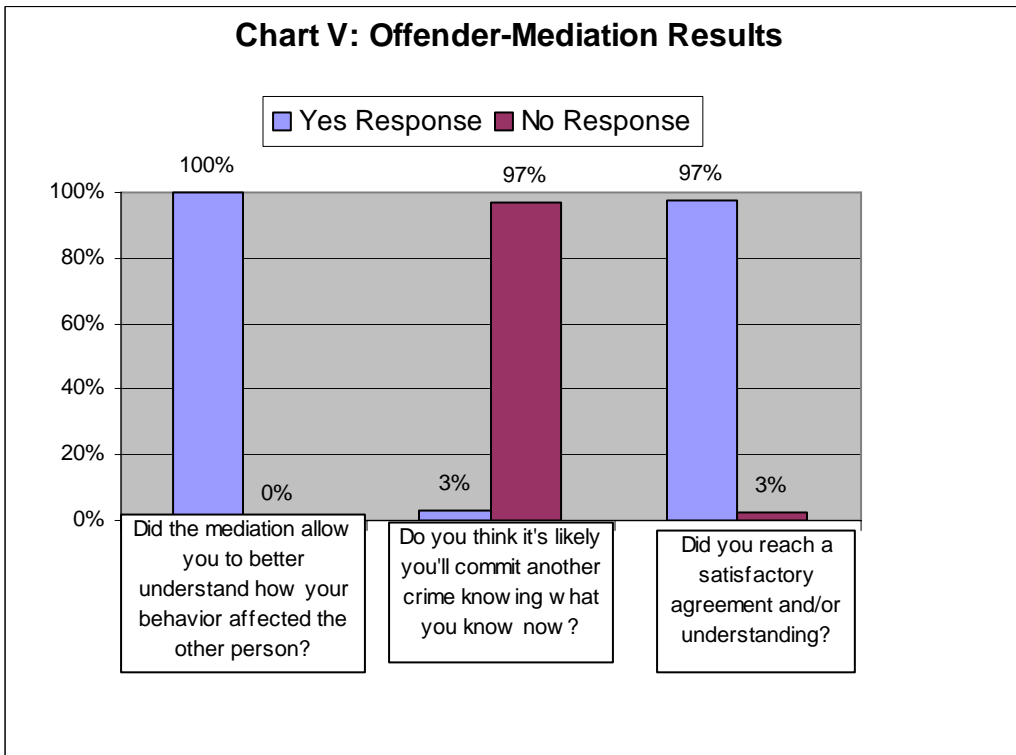
Victim and offender participants jointly develop customized and creative restitution solutions that meet the personal needs/goals of all parties. Their agreements include, but are not limited to, monetary compensation, community service, personal service, written and oral apologies, and goal setting for personal and educational improvement. Developing mutually agreed upon forms of restitution result in a higher rate of completion by the offender and greater satisfaction for both participants.

Offender Satisfaction



Offenders agree/strongly agree that the mediation was fair, that they could speak their mind, that it was helpful to meet with their victim, and that they would recommend mediation to someone else in their situation. Offenders also reported that they somewhat agree/strongly agree that they felt better about the criminal justice system after the mediation.

Chart V: Offender-Mediation Results



Offender participants made the following comments:

- Hearing my home girl say she wants to be cool again.
- I like most when I got to set things straight.
- I heard their side of the story.
- The mediation helped with communication and understanding with each other.
- That I was able to talk and felt safe.
- Saying sorry.
- That we came to an agreement and I got to speak to the person.
- Que solucionan tus problemas. (That they solve your problems)
- The overall closure felt after the mediation.
- This is a healthy program.
- I love my mother and I promise not to hit my mother ever again.

Recidivism

The impact of mediation on recidivism is an evolving study. Of note is that most offenders express a belief that they are less likely to commit another crime knowing what they know now. A preliminary evaluation for those offenders who participated in mediation evidences a reduction in the rate of recidivism for new offenses. It is important to note that most minors participate in numerous programs and interventions in addition to mediation and the combination of these programs with mediation plays a significant role in the reduction of recidivism. As the program continues to evolve and we receive additional referrals through sources such as the assessment

center and/or other diversion programs that may be utilizing mediation as a sole intervention for limited cases, we will be able to track the recidivism rates of those participants for additional evidence.

Parent-Teen Mediation

The Juvenile Mediation Program also provides mediation services between Juvenile Justice minor's and their parents or guardians for ongoing conflicts and issues of respect, communication, house rules, boundaries, school, curfew and other matters that typically arise between adolescents and their parents, especially during and after the minor has been on probation. 94% of parents and 88% of teens felt that their interactions would improve after the mediation and the same percentages felt that they'd reached a satisfactory agreement and/or understanding. All participants reported that they were able to get answers and a better understanding of questions or concerns they had about the situation.

Comments made by Parents of what they liked most about the mediation include:

- I feel that there is hope for us to resolve our issues and become cordial with one another.
- Feel more comfortable between my daughter and I.
- The whole meeting was great and helpful and a really opening eyes experience.
- That I'm ready to change as well as he is
- Being able to talk to each other and agree to improve

Comments made by Teens of what they liked most about the mediation include:

- I liked that I got to say what I wanted
- I was able to speak my mind out and say how I feel
- I could say what I feel
- Que podimos resolver nuestros problemas (That we could solve our problems)

Mediation services continue to receive high rates of satisfaction from participants involved in the Juvenile Justice System. Providing an opportunity for mediation supports a feeling of justice for many participants while at the same time promoting a greater sense of safety, security and self worth within the community.

DEPENDENCY CASES

History/Background

Mediation services have been provided through the Juvenile Mediation Program to families within the Dependency Court process for over ten years. This Program is unique among juvenile dependency mediation programs across the state in that we utilize volunteer mediators through collaboration with our local community mediation program, the Peninsula Conflict Resolution Center. The Juvenile Court Judge orders participants to the program directly or may order the referral pursuant to a request made by social workers, lawyers, child advocates and/or family members. Mediation provides participants with a confidential and neutral setting to clarify and resolve issues that will contribute to the well being of their children. The types of issues commonly addressed include, but are not limited to, parenting and family conflicts, parent-teen disputes, conflicts between foster parents/biological parents/social workers/youth, post-adoption contact agreements, visitation, communication issues, care for the youth, guardianship issues, and/or educational and medical issues.

Case Development

Dependency cases involve complex family issues and require significant case development prior to mediation. Case development takes place at the outset of a case and includes explaining the mediation process to the parties, screening for safety issues, helping the parties to identify the topics that will be addressed in mediation, getting agreement to participate, and preparing them for a constructive discussion of challenging, emotional and often highly charged issues.

Evaluation

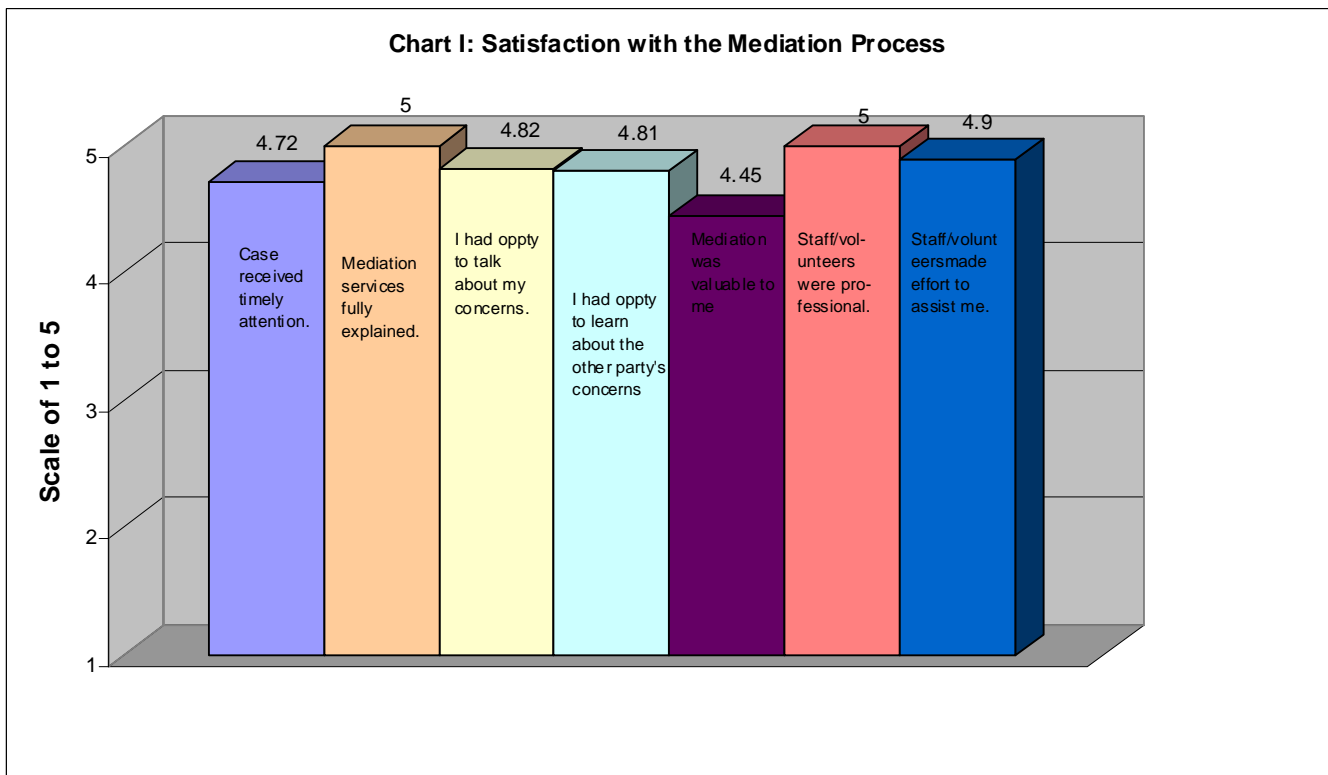
During the program year parties were asked to complete an evaluation survey at the conclusion of their mediation. The evaluation could be completed at the time or mailed back to the program office. The surveys were coded by case and the parties had the choice of including their name or not. Eleven responses were completed by program participants for this report.

The data used in this report is based on their evaluation responses. Some parties chose not to complete the survey when asked. Response choices to the survey were on a scale of 1 to 5, from Disagree to Agree.

We are aware that respondents of a survey completed at the conclusion of a 2 to 3 hour mediation might be skewed negatively or positively depending on their feelings at that moment. However the response rate when evaluation surveys are mailed to the parties after the mediation have been historically low and in the interest of obtaining some evaluative data we decided to proceed with this method.

Mediation Process

Chart I below, illustrates that participants expressed a high level of satisfaction with the Juvenile Dependency Mediation process with ratings of 4.72 or above out of 5.0. Respondents had the highest degree of satisfaction (5.00) in their feeling that staff and volunteers were professional and that mediation services were fully explained. Parties were also highly satisfied (4.82) with the opportunity they were offered to talk about their concerns with the other party, that their case received timely attention (4.73), and that staff and volunteers made efforts to assist them (4.60).

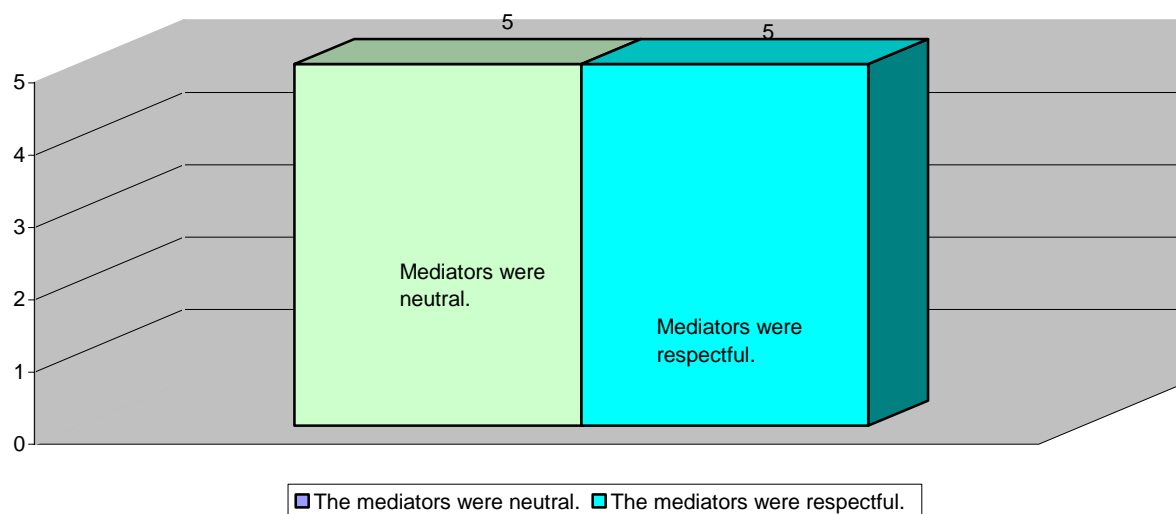


Satisfaction with the Mediators

Chart II illustrates participants' satisfaction with the volunteer mediators who conducted their mediation. The participants rated their mediators with the highest rating (5.0) for their ability to be neutral during the mediation and to treat the participants in a respectful manner. It should be noted that our mediators volunteer not only their time to conduct the mediations, but one or both of them must also maintain a level of training specific to dependency mediation that includes 40 hours of initial training over and above the basic mediation training, as well as 12 hours continuing education annually in subject matters related to the child welfare system, family

violence, child development, alcohol and drug addiction, and other related issues. This is an enormous commitment to ask of any volunteer, and we are extremely grateful for the dedicated and professional services we are able to offer our participants because of this valuable resource.

Chart II: Satisfaction with Mediator



Mediation Outcomes

Chart III indicates consistent highly satisfactory opinions of the respondents regarding their feelings about the outcome of their mediation. 91% of the participants strongly agreed that mediation provided them with both an opportunity to learn about the other party's concern and to talk about their own. This understanding between participants is often what leads to productive discussions about solutions that meet everyone's needs. 91% of the parties somewhat agreed/strongly agreed that progress was made on their case (3.91) and equally import, all parties somewhat agreed/ strongly agreed that they made as much progress as they expected.

Chart III: Satisfaction with Mediation

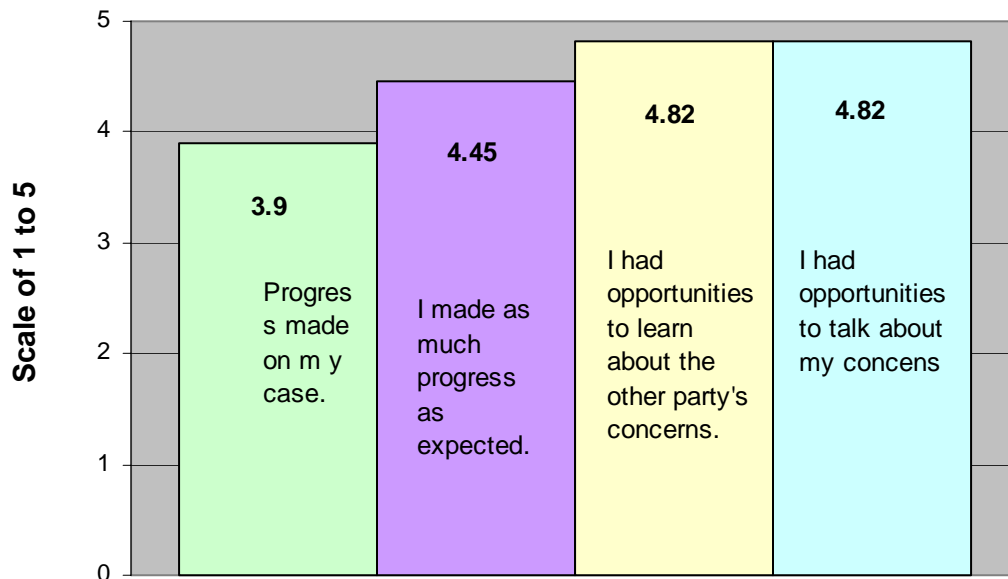
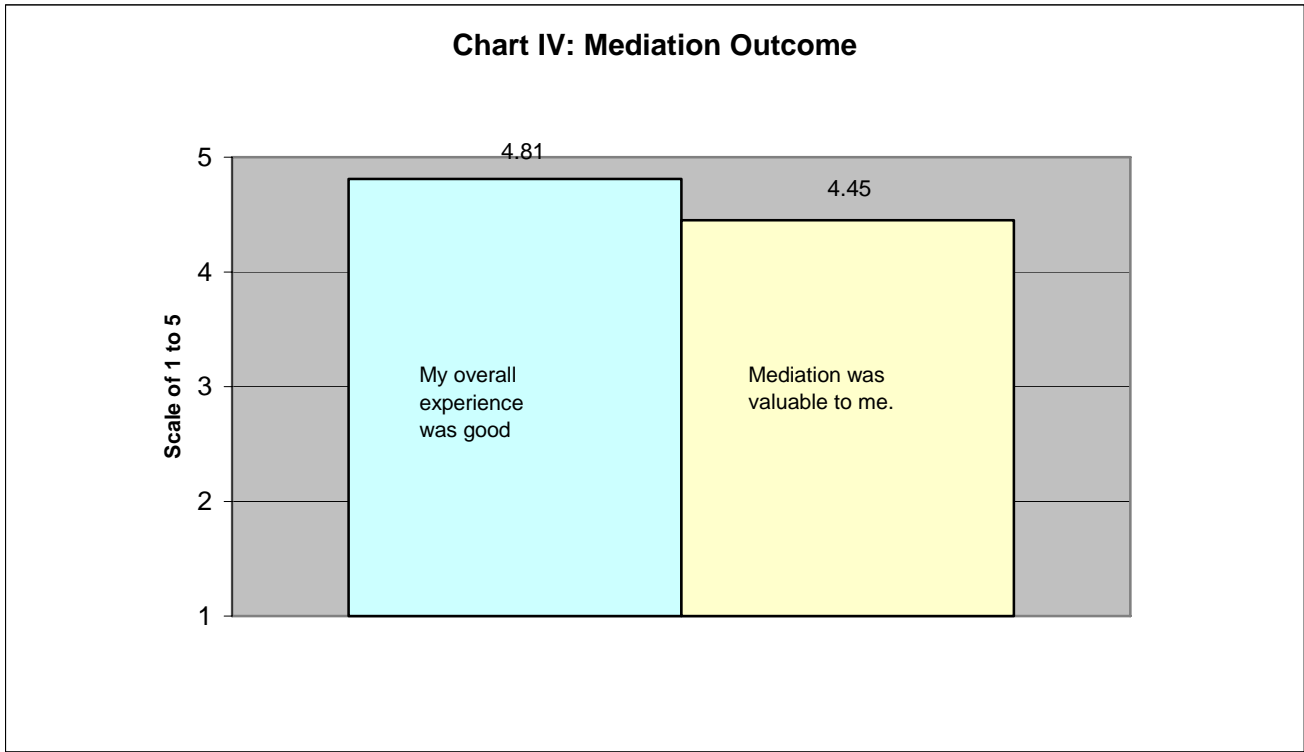
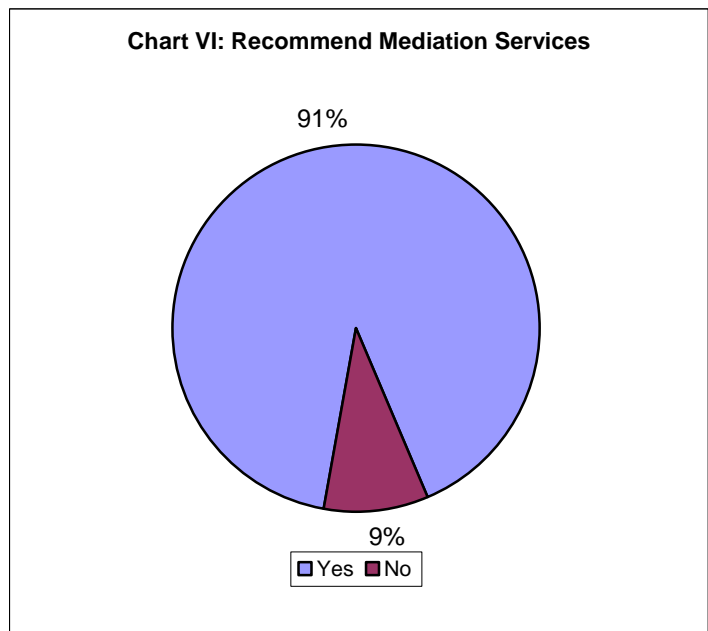
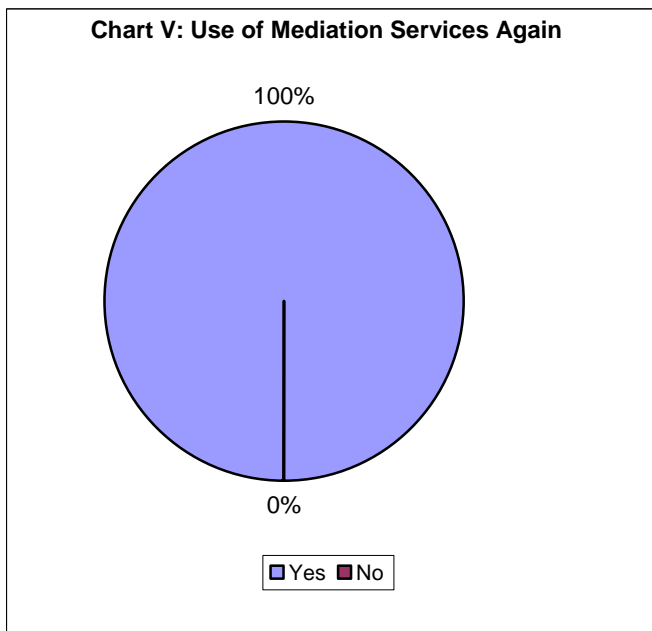


Chart IV shows the parties' high level of satisfaction with their experience. Respondents felt their overall experience was good (4.82) and considered the mediation valuable (4.45).



All respondents indicated that they would use mediation services again and 91% indicated they would recommend mediation services to others (see Chart V and VI below).



Participants also volunteered comments, such as the following, on their evaluations:

- This was the best I have had yet. Thank you much!
- The mediation process was very helpful to me and I am happy I attended.
- Apple pie and ice cream
- I do believe it was helpful. However, there was no resolution which is what I expected. The mediators were great.

Conclusion

Participants in the delinquency and dependency programs have expressed high satisfaction with their ability to meet with each other, improve communication, and address their concerns. The success of both programs can be attributed to the important role of the volunteer mediators, the collaborative work among various agencies, as well as the contributions of the Advisory Committee in the development of the programs.

Send to:
Multi-Option ADR Project
400 County Center- SMC 127
Redwood City, CA 94063-1655

San Mateo County Superior Court, Multi-Option ADR Project, MAP

EVALUATION BY ATTORNEYS

In accordance with **Local Rule 2.3(i)(5)**, please submit evaluation by mail or fax within 10 days of completion of the ADR process. Telephone: (650) 599-1070 Fax: (650) 599-1754

MAP staff and committees use this confidential information to assess the impact on the court, to track quality, to provide feedback to neutrals and to inform our decisions regarding redesign of program procedures. Other staff and trial judges do not see specific evaluations. This information will be aggregated for blind statistical reports to the Judicial Council, the Court and the community.

Case Name:

Case Number:

Type of Case:

Name of Neutral:

Date of Session:

1. I am: Plaintiff's attorney Defendant's attorney Other: _____

I participated in an ADR session: Yes No

If you answered NO above, please indicate the reason(s) why below. If you answered YES, continue to Question 2:

Parties unwilling Not yet scheduled Case dismissed Other (describe): _____

2. Process(es) used in case (indicate if more than one): Mediation Neutral Evaluation
 Binding Arbitration Other: _____

3. Please indicate if the case resolved:
 Fully Partially Not resolved

4. If the case resolved, how much of a factor was ADR in settlement of the case?

Not a factor Very Important
1 2 3 4 5

5. Total # of sessions _____ Approximate total # of hour _____ Approximate # of follow-up calls _____

6. How many days elapsed (approximately) between the filing of the complaint and the ADR session? _____

7. Indicate at what phase the ADR session occurred (indicate if more than one)
 Within 4 months of filing After some preliminary discovery
 After a significant amount of discovery Trial was imminent

8. Which of the following court events were avoided because of the ADR session?

Please check all that apply:

Discovery Motion(s) Number: _____ Summary Judgment/Adjudication Motion Trial
 Deposition(s) Number: _____ Pretrial Conference Other
 Case Management Conference Judicial Settlement Conference

9. In your opinion, using ADR in this case: Reduced or Increased costs for each party (apart from the mediator's fees) by:

Under \$5,000 \$5,001—\$10,000 \$10,001— \$25,000 \$25,001—\$50,000
 \$50,001—\$100,000 \$100,001—\$250,000 \$250,001—\$500,000 Other _____

PLEASE SEE REVERSE SIDE.

10. In your opinion, using the ADR process in this case,
 Reduced court time Increased court time

Please estimate the number of days court time was reduced/increased as a result of the parties going to ADR: (Consider the decrease /increase in the number of court days relative to motions, settlement conferences and trial.)

- 1-3 days 4-5 days 6-10 days 11-20 days 30+ days

11. Please indicate which, if any, of the following occurred during the ADR session (please check all that apply):

- Communication between the parties was improved.
 Parties came away with a better understanding of the case.
 Parties clarified, resolved and eliminated some issues.
 Other comments:

12. On a scale of 1 to 5, with 1 being the lowest level and 5 being the highest level, please indicate your satisfaction by rating the following statements:

	<u>Lowest</u>					<u>Highest</u>
1. This process was fair to all parties.	1	2	3	4	5	
2. This process allowed all to be heard.	1	2	3	4	5	
3. This process offered a safe secure setting.	1	2	3	4	5	
4. My client did not feel unduly pressured by neutral to reach an agreement.	1	2	3	4	5	
5. The neutral skillfully structured the process.	1	2	3	4	5	
6. The neutral understood key issues.	1	2	3	4	5	
7. I would use this neutral again.	1	2	3	4	5	
8. I would use the MAP program again	1	2	3	4	5	

We welcome any other comments or suggestions you may have regarding the ADR neutral used in this case or the Multi-Option ADR Project:

THANK YOU.

Send to:
 Multi Option ADR Project – SMC 127
 400 County Government Center
 Redwood City, CA 94063-1655

San Mateo County Superior Court, Multi-Option ADR Project, MAP **CLIENT EVALUATION**

In accordance with **Local Rule 2.3 (i) (5)**, please submit evaluation by mail or fax within 10 days of completion of the ADR process. Telephone: (650) 599-1070 Fax: (650) 599-1754

MAP staff and committees use this *confidential* information to assess the impact on the court, to track quality, to provide feedback to neutrals and to inform our decisions regarding redesign of program procedures. Other staff and trial judges do not see specific evaluations. This information will be aggregated for blind statistical reports to the Judicial Council, the Court and the community.

Case Name:

Case Number:

Type of Case:

Name of Neutral:

Date of Session:

1. I am: Plaintiff Other _____
 Defendant

I participated in an ADR Session YES NO

If you answered NO above, please indicate the reason(s) why below. If you answered YES continue to question 2:

Parties unwilling Not yet scheduled Other, Describe: _____

2. Please indicate which, if any, of the following occurred during the ADR session: Please check all that apply.
- Communication between the parties was improved.
 Parties came away with a better understanding of the case.
 Parties clarified, resolved and eliminated some issues.
 Other comments:

On a scale of 1 to 5, 1 being the lowest level and 5 being the highest level, please indicate your satisfaction by rating the following statements:

	Lowest				Highest
3. This process was fair to all parties.	1	2	3	4	5
4. This process allowed all to be heard.	1	2	3	4	5
5. This process offered a safe secure setting.	1	2	3	4	5
6. I did not feel unduly pressured by the neutral to reach agreement.	1	2	3	4	5
7. The neutral skillfully structured the process.	1	2	3	4	5
8. The neutral understood key issues.	1	2	3	4	5
9. I would use this neutral again.	1	2	3	4	5
10. I would use the MAP program again	1	2	3	4	5

PLEASE PROVIDE ANY ADDITIONAL COMMENTS: _____

**San Mateo County Superior Court
 Multi-Option Appropriate Dispute Resolution Project**

**FAMILY LAW ADR PROGRAM
ATTORNEY EVALUATION**

Please submit evaluation by mail or fax within 10 days
 Telephone: (650) 599-1070 Fax: (650) 599-1754

This confidential information is used to assess the program, to track quality, and to provide feedback to neutrals. Information may be aggregated for blind statistical reports to the Judicial Council, the Court and the community. We appreciate your cooperation.

Case Name:

Case Number:

1. I am: Petitioner's attorney Respondent's attorney Other: _____
2. Process used in case: Mediation Binding Arbitration
3. Issues: Custody/Visitation Child Support Spousal Support
 Property Other: _____
4. The session was held: at the court with Monica Rands-Preuss at the attorney/neutral's office
5. Please indicate if any issues in the case were resolved: Fully Partially Not resolved
6. If issues were resolved, how much of a factor ADR was in reaching those agreements?
 (Not a factor) 1 2 3 4 5 (Very much a factor)
7. Length of ADR Session: _____ hours. Number of sessions: _____
8. In your opinion, using ADR in this case: Reduced Increased costs for each party (separate from any mediator fees) by: Under \$1,000 \$1—3,000 \$3—5,000
 \$5—10,000 \$10—20,000 \$20—30,000 \$30,000 or more
9. In your opinion, using the ADR process in this case: Reduced court time Increased court time.
 How much? Please estimate the amount of court time which was reduced/increased as a result of parties going to ADR. (Consider the decrease/increase to motions, settlement conferences and trial time.)
 1day or less 3-5 days 5-10 days 10+days

Please rate the following:

I disagree

I agree

10. This process was fair to all parties.	1	2	3	4	5
11. This process allowed all to be heard.	1	2	3	4	5
12. This process offered a safe, secure setting.	1	2	3	4	5
13. The neutral did not unduly pressure my client to agree.	1	2	3	4	5
14. The neutral encouraged practical solutions.	1	2	3	4	5
15. The neutral understood key issues.	1	2	3	4	5
16. I would use this neutral again.	1	2	3	4	5
17. I would use the ADR program again.	1	2	3	4	5
18. Parties communication improved during the process.	1	2	3	4	5
19. My client was prepared to discuss settlement.	1	2	3	4	5
20. I was prepared to discuss settlement.	1	2	3	4	5
21. The other side was prepared to discuss settlement.	1	2	3	4	5
22. My client was satisfied with the outcome.	1	2	3	4	5
23. I was satisfied with the outcome.	1	2	3	4	5
24. Parties came away with a better understanding of the case.	1	2	3	4	5
25. Parties clarified, resolved and/or eliminated some issues.	1	2	3	4	5

PLEASE SEE REVERSE SIDE.

**San Mateo County Superior Court
 Multi-Option Appropriate Dispute Resolution Project
 FAMILY LAW ADR PROGRAM
CLIENT EVALUATION**

Please submit evaluation by mail or fax within 10 days.
 Telephone: (650) 599-1070 Fax: (650) 599-1754

This confidential information is used to assess the program, to track quality, and to provide feedback to neutrals. Information may be aggregated for blind statistical reports to the Judicial Council, the Court and the community. We appreciate your cooperation.

Case name:

Case number:

1. I am: Petitioner Respondent Other _____
2. Process used in case: Mediation Binding Arbitration
3. Issues: Custody/Visitation Child Support Spousal Support
 Property Other: _____
4. The session was held: at the court with Monica Rands-Preuss at the attorney/neutral's office
5. Please indicate if any issues in the case were resolved: Fully Partially Not resolved

Please rate the following:

I disagree

I agree

6. This process was fair to all parties.	1	2	3	4	5
7. This process allowed all to be heard.	1	2	3	4	5
8. This process offered a safe, secure setting.	1	2	3	4	5
9. The neutral did not unduly pressure me to reach an agreement.	1	2	3	4	5
10. The neutral encouraged practical solutions.	1	2	3	4	5
11. The neutral understood key issues.	1	2	3	4	5
12. I would use this neutral again.	1	2	3	4	5
13. I would use the ADR program again.	1	2	3	4	5
14. The process decreased conflict between me and the other party.	1	2	3	4	5
15. The neutral helped improve communication during this process.	1	2	3	4	5
16. This process helped me to clarify or narrow the issues.	1	2	3	4	5
17. I was satisfied with the outcome of the ADR session.	1	2	3	4	5
18. I was prepared to discuss settlement.	1	2	3	4	5
19. The other party was prepared to discuss settlement.	1	2	3	4	5

OTHER COMMENTS YOU'D LIKE TO SHARE:

THANK YOU!



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN MATEO
 SMALL CLAIMS MEDIATION PROGRAM
 800 North Humboldt Street, San Mateo, CA 94401
 Phone: (650) 573-3907 Fax: (650) 342-5438

CLIENT EVALUATION

Date: _____

Case name: _____ Case number: _____

Type of Case: _____ Name of mediator: _____

1. I am: Plaintiff Defendant

***We are constantly seeking to improve our mediation services.
 Your assessment and comments are a valuable source of feedback for us.
 Thank you for taking the time to fill out this brief evaluation***

2. Please indicate if your case was settled Yes No

3. Please indicate which, if any, of the following occurred during the mediation session: Please check all that apply.

- I bridged a communication gap with the other party.
- I have a better understanding of where the other party is coming from
- We were able to clarify issues
- We were able to eliminate issues
- I learned something about my own case that I had not previously considered

On a scale of 1 to 5, 1 being the lowest level and 5 being the highest level, please indicate your satisfaction by rating the following statements:

4.	This process was fair to all parties.	1	2	3	4	5
5.	This process allowed all to be heard	1	2	3	4	5
6.	This process offered a safe secure setting	1	2	3	4	5
7.	I did not feel pressured to reach agreement.	1	2	3	4	5
8.	The mediator skillfully structured the process.	1	2	3	4	5
9.	The mediator understood key issues	1	2	3	4	5
10.	I would try mediation again	1	2	3	4	5
11.	Would you recommend mediation to others	1	2	3	4	5

PLEASE PROVIDE ANY ADDITIONAL COMMENTS:

JUVENILE MEDIATION PROGRAM

Multi-Option ADR Project

Superior Court of San Mateo County

Juvenile Division

222 Paul Scannell Drive

San Mateo, CA 94402

Tel. (650) 312-5269/ Fax (650) 638-1223

Name (optional): _____

Case #: _____

I would use mediation services again? No Yes

I would recommend mediation services? No Yes

Please rank the following: **Disagree** **Agree**

Progress was made on my case? 1 2 3 4 5

I made as much progress as expected? 1 2 3 4 5

My case received timely attention. 1 2 3 4 5

Mediation staff/volunteers were professional. 1 2 3 4 5

Mediation services were fully explained. 1 2 3 4 5

Mediation staff/volunteers made efforts to assist me. 1 2 3 4 5

My overall experience was good. 1 2 3 4 5

The mediators were neutral. 1 2 3 4 5

The mediators were respectful. 1 2 3 4 5

I had opportunities to talk about my concerns. 1 2 3 4 5

I had opportunities to learn about the other party's concerns. 1 2 3 4 5

The mediation was valuable to me. 1 2 3 4 5

Other Comments: _____

JUVENILE MEDIATION PROGRAM

Multi-Option ADR Project

Superior Court of San Mateo County

Juvenile Division

222 Paul Scannell Drive

San Mateo, CA 94402

Tel. (650) 312-5269/ Fax (650) 638-1223

Ésta información confidencial se usa para determinar la calidad del programa, proporcionar información a los mediadores y tomar decisiones correctas en referencia al rediseño de los procedimientos del programa.

Nombre (opcional): _____

Caso #: _____

Usaría los servicios de mediación nuevamente? No Si

Recomendaría los servicios de mediación a otra persona? No Si

Por favor evalúe las siguientes preguntas **No estoy de acuerdo** **Estoy de Acuerdo**

Hubo progreso en mi caso? 1 2 3 4 5

Obtuve todo el progreso que esperaba? 1 2 3 4 5

Mi caso recibió pronta atención? 1 2 3 4 5

El personal y voluntarios de Mediación fueron profesionales? 1 2 3 4 5

Los servicios de Mediación me fueron explicados claramente? 1 2 3 4 5

El personal y voluntarios de Mediación hicieron lo posible por ayudarme? 1 2 3 4 5

En general mi experiencia fué buena? 1 2 3 4 5

Los mediadores fueron neutrals? 1 2 3 4 5

Los mediadores fueron respetuosos. 1 2 3 4 5

Tuve la oportunidad de hablar sobre mis prerocupaciones? 1 2 3 4 5

Tuve la oprtunidad de oír las preocupaciones de la otra parte? 1 2 3 4 5

La mediación fue favorable para mi? 1 2 3 4 5

Tiene comentarios o sugerencias?

Programa de Mediación Juvenil
Proyecto ADR de Opciones Múltiples, MAP
Corte Superior del Condado de San Mateo

EVALUACIÓN

Por favor envíe la evaluación completa por correo o por fax a:
Juvenile Delinquency Mediation Program-SMC 303-JV
222 Paul Scannell Drive, San Mateo, CA 94402
Fax; (650) 638-1223 Teléfono: (650) 312-5269

Esta información confidencial se usa para determinar la calidad del programa, proporcionar información a los mediadores y tomar decisiones correctas en referencia al rediseño de los procedimientos del programa.

Ref. número: _____

Nombre (opcional): _____

1. La mediación fue justa.

-----1----- Pésima	-----2----- Menos que regular	-----3----- Regular	-----4----- Bueno	-----5----- Excelente
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2. Pude expresar mis sentimientos.

-----1----- Pésima	-----2----- Menos que regular	-----3----- Regular	-----4----- Bueno	-----5----- Excelente
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3. Fue favorable hablar con hijo/a.

-----1----- Pésima	-----2----- Menos que regular	-----3----- Regular	-----4----- Bueno	-----5----- Excelente
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4. Me sentí cómodo durante la mediación.

-----1----- Pésima	-----2----- Menos que regular	-----3----- Regular	-----4----- Bueno	-----5----- Excelente
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5. Yo recomendaría mediación a alguien que esté en mi situación.

-----1----- Pésima	-----2----- Menos que regular	-----3----- Regular	-----4----- Bueno	-----5----- Excelente
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6. La mediación me ayudó a hablar del incidente.

-----1----- Pésima	-----2----- Menos que regular	-----3----- Regular	-----4----- Bueno	-----5----- Excelente
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7. Me siento mejor después de la mediación.

-----1----- Pésima	-----2----- Menos que regular	-----3----- Regular	-----4----- Bueno	-----5----- Excelente
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8. Usted cree que la relacion entre usted y su hijo/a mejore?

Si ____ No ____ No Applicable ____

9. Llegó a un acuerdo ó entendimiento satisfactorio ? Si ____ No ____

10. Fué necesario llegara un acuerdo por escrito después de la mediación? Yes ____ No ____

11. Le fué posible obtener respuestas a sus preguntas o preocupaciones acerca del incidente?

Si ____ No ____ No Applicable ____

12. Qué es lo que más le gustó de la mediación?

13. Qué es lo que menos le gustó de la mediación?

14. Tiene otros comentarios y/o sugerencias?

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