

Santa Barbara County Superior Court

CADRe

(Court-Administered Dispute Resolution)

Program Information

DO YOU HAVE A PENDING CIVIL CASE?

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

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

WHY DOES THE COURT SUGGEST ADR?

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

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

SMALL CLAIMS AND CIVIL HARASSMENT CASES

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

ACCESSING THE CADRE PROGRAM

Before the initial Case Management Conference (CMC), counsel and their clients are expected to discuss ADR options for the case and complete the *Case Management Statement [CM-110]*. This form must be served on the other parties and filed with the court no later than (15) calendar days prior to the CMC [refer CRC 3.725].

Referrals to CADRe are usually made at the CMC. The nature of any referral to CADRe will depend on the judge's determination of the amount in controversy at the CMC. If this amount

does not exceed \$50,000.00, the judge may order the case to “Limited Mediation.” If the amount in controversy exceeds \$50,000.00, the judge may order the case to “CMADDRESS.”

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

WHAT IS “CMADDRESS?”

As of July 2005, the civil departments countywide have implemented “CMADDRESS” [Case Management Alternative Dispute Resolution Early Settlement Session]. If the judge so orders, **trial counsel and their clients** will be required to attend an early settlement session with a neutral assigned by the CADRe office, usually within 90 days of the date of the CMC order. The neutral will address the potential benefits of ADR for the case and begin efforts at early settlement if indicated. See Santa Barbara Superior Court Rule 1102 or contact the CADRe office for more information about CMADDRESS.

CASES INVOLVING \$50,000.00 OR LESS

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

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

The CADRe office will assign a mediator to the case, usually with input from the parties. CADRe staff can explain the assignment procedure to you. The first three (3) hours of mediation are provided free of charge to the parties (the court pays the mediator for this time period). Thereafter, the mediator may charge the parties an hourly rate.

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

Next, you must contact the assigned mediator and set a mutually agreeable date for the mediation with all participants and the mediator. **CADRe staff does not schedule the mediation.** You are required to report the mediation date to the CADRe office within 10 days of the assignment of mediator.

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

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

CADRe maintains five separate panels of neutrals, but you are free to use a non-CADRe neutral if you wish. Comprehensive information on CADRe panelists (including their backgrounds, qualifications, and styles of practice) is available on the CADRe website at www.sbcadre.org OR at the CADRe office. **CADRe does not schedule the ADR process.** You then contact the neutral and arrange a mutually agreeable date for the ADR process, and then deliver to the CADRe office (fax is acceptable as long as the entire document is legible) a completed *Stipulation and Order to ADR Process* form. **Be sure to include the date you have scheduled for the process on the form (Item 3).** The stipulation form is incomplete without this date, and CADRe cannot file the form until it is complete. Contact CADRe for help with the stipulation form. You are encouraged to use local court form SC-2038.

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

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

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

Mediation is a confidential process (Evidence Code §1115-1128). Statements made in mediation cannot be repeated in court. The mediator does not communicate with the court except to file a *Statement of Agreement or Non-Agreement [Form ADR-100]*. **Mediation briefs should ONLY be sent to the mediator and NOT filed with the court** (CA Evidence Code §1119).

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

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

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

SANTA BARBARA SUPERIOR COURT, RULE 1103 ADR TIMING AND COMPLETION

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

(b) [Court Monitoring] At the time an ADR process is ordered by the Court, or at any time in the Court's discretion, the Court may schedule a follow-up CMC or order to show cause to ensure that the ADR process has been completed by the time set by the Court. Any continuance of dates scheduled for ADR, including mandatory settlement conference dates and completion dates, must be directed to the assigned trial judge. Participation in an ADR process shall not affect time periods specified in the Trial Court Delay Reduction Act.

(c) [Settlement] Upon any settlement or other disposition of a case other than by trial, where an ADR process has occurred or is pending, notice of such disposition shall be given to all parties, the court, the arbitrator or other ADR neutral involved in the case, and to the CADRe staff as required by CRC 3.1385.

(d) [Follow-Up Reports] The neutral will be directed by the Court to report to the CADRe Director on the CMADRESS conference using a form approved by the Court's ADR Committee and provided to the neutral upon assignment of the case. The completed forms will be filed with the Court.

MEDIATION ATTENDANCE

CALIFORNIA RULES OF COURT, RULE 3.894 (APPEARANCE AT MEDIATION SESSIONS)

All parties and attorneys of record must attend all mediation sessions in person unless excused or permitted to attend by telephone as provided in (3). If a party is not a natural person, a representative of that party with authority to resolve the dispute or, in the case of a governmental entity that requires an agreement to be approved by an elected official or a legislative body, a representative with authority to recommend such agreement, must attend all mediation sessions in person, unless excused or permitted to attend by telephone as provided in (3). (2) If any party is insured under a policy of insurance that provides or may provide coverage for a claim that is a subject of the action, a representative of the insurer with authority to settle or recommend settlement of the claim must attend all mediation sessions in person, unless excused or permitted to attend by telephone as provided in (3). (3) The mediator may excuse a party, attorney, or representative from the requirement to attend a mediation session under (1) or (2) or permit attendance by telephone. The party, attorney, or representative who is excused or permitted to attend by telephone must promptly send a letter or an electronic communication to the mediator and to all parties confirming the excuse or permission. (4) Each party may have counsel present at all mediation sessions that concern the party. (Subd (a) amended effective

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

(a) [Applicability of Certain Methods] The Court will make a determination of the amount in controversy at the CMC pursuant to Code of Civil Procedure sections 1141.16 and 1775.5.

(b) [Amount in Controversy Does Not Exceed \$50,000] Where the Court determines that the amount in controversy does not exceed \$50,000 for each plaintiff, the court shall order the parties to engage in either of the following ADR processes unless exempt by law:

1. Judicial arbitration pursuant to Code of Civil Procedure section 1141.10 et seq. and CRC 3.810 et seq.; or,
2. Limited Mediation in lieu of judicial arbitration pursuant to Code of Civil Procedure section 1775 et seq. ("CADRe Limited Mediation") subject to program rules, at the request of the parties or in the discretion of the court.

(c) [Amount in Controversy Exceeds \$50,000] Where the Court determines that the amount in controversy exceeds \$50,000, the Court may order the parties to attend a continued Case Management and ADR Early Settlement Session ("CMADRESS") orientation conference with a court-appointed neutral. The neutral will meet with the parties and their counsel to discuss the case with respect to issues of trial preparation, the volume of anticipated discovery, and the potential costs of the litigation if pursued through trial, and to assist them in deciding whether ADR would help resolve the dispute. The parties will be given the opportunity to mediate their case at this conference if they choose. The parties will not have to pay for the services of the neutral assigned to the case for the first 1.5 hours of the session. The neutral for each case will be chosen by the CADRe Director from a list of mediators approved by the Court's ADR Committee. The parties shall be responsible for scheduling the CMADRESS conference, which must be held within the time limits set by the Court in the case management order.

(d) [Settlement Conferences] The Court may order one or more mandatory settlement conference in all cases to be conducted pursuant to CRC 3.1380. At the request of the parties, the Court may in its discretion order mediation in addition to or in lieu of a mandatory settlement conference.

(e) [Stipulations] The parties may stipulate to ADR processes in addition to or different from CADRe processes ordered by the Court. If an ADR process is stipulated, counsel shall file a fully executed Stipulation and Order to Alternative Dispute Resolution Process form ("ADR Stipulation") within ten (10) court days after the later of either (1) the 120-day CMC or (2) the CADRe consultation. If the parties elect to pursue private ADR with their own neutral and at their own expense, they must inform the Court at the CMC and the Court will exempt them from the CMADRESS conference. Parties attending the CMADRESS conference may continue mediation or other ADR with the assigned neutral or any mediator after the CMADRESS conference, but they will be responsible for making a fee arrangement with the selected mediator for subsequent ADR sessions.

(f) [Participation] All parties are required to participate in court ordered ADR processes in good faith. Personal attendance at the CMADRESS and mandatory settlement conferences is required of all parties, their attorney and any claims representatives, except for defendants who are fully insured and represented by a claims agent for their insurance carrier and who do not have to consent to a settlement. Requests for excused personal attendance must be directed to the Mandatory Settlement Conference Judge.

(Amended 07-01-18; adopted 01-01-98; previously amended effective 07-01-09 and 01-20-05)

THE CADRe WEBSITE – www.sbcadre.org

Please visit the CADRe website at **www.sbcadre.org**. There you will find comprehensive information on all of the CADRe neutrals, and a listing of panelists by areas of expertise.

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

***Santa Barbara County
Superior Court
CADRe Program***

Vance Saukko, CADRe Director

Serving Santa Barbara/Santa Maria

**Santa Barbara Superior Court
1100 Anacapa Street
Santa Barbara, CA 93101**

**Phone: (805) 882-4661
Fax: (805) 882-4613**

(Located on the ground floor, near Dept. 6)

E-Mail: cadre@sbcourts.org

www.sbcadre.org

ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME AND ADDRESS):	TELEPHONE NO.:	<i>FOR COURT USE ONLY</i>
EMAIL ADDRESS (Optional) ATTORNEY FOR (NAME):		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA BARBARA <input type="checkbox"/> Santa Barbara–Anacapa <input type="checkbox"/> Santa Maria-Cook <input type="checkbox"/> Lompoc Division 1100 Anacapa Street 312-C East Cook Street 115 Civic Center Plaza Santa Barbara, CA 93101 Santa Maria, CA 93454 Lompoc, CA 93436		
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:		
STIPULATION AND ORDER TO ALTERNATIVE DISPUTE RESOLUTION (ADR) PROCESS		CASE NUMBER:
		ASSIGNED JUDGE:

MANDATORY SETTLEMENT CONFERENCE DATE (if applicable): _____

Counsel or self-represented party must give notice of this filed stipulation to the CADRe office at 1100 Anacapa Street, Santa Barbara, CA 93101 (Phone number: 805 882-4661, FAX: 805 882-4613, Email: cadre@sbcourts.org)

1. STIPULATION REGARDING ALTERNATIVE DISPUTE RESOLUTION:

The parties hereby stipulate that all claims in this action shall be submitted to the following ADR process and the parties will appear at such hearing with persons having full authority to resolve the dispute pursuant to California Rules of Court, Rule 3.894 and Santa Barbara Superior Court Local Rule, 1102(f):

- a. Amount in Controversy is \$50,000.00 or under:
 - Judicial Non-binding Arbitration (CCP 1141.12)
 - Limited Mediation with Mediator Assigned by the CADRe Office (CCP 1775)
 - Limited Mediation with Non-CADRe mediator _____.
- b. Amount in Controversy exceeds \$50,000.00:
 - Binding Arbitration Private Mediation Neutral Evaluation
 - Special Master C.M.A.D.R.E.S.S. (Neutral to be assigned by CADRe Office)
 - Other: _____

2. THE ADR PROCESS WILL BE CONDUCTED BY:

Neutral's Name: _____ Phone: _____

3. THE MEDIATION (OR OTHER ADR PROCESS) WILL OCCUR ON (date): _____

4. PARTY REPRESENTATIVES:

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

IT IS SO ORDERED PURSUANT TO THE ABOVE STIPULATION:

Dated: _____ Judge of the Superior Court