



SUPERIOR COURT OF CALIFORNIA, COUNTY OF BUTTE

# **ALTERNATIVE DISPUTE RESOLUTION**

## **PACKET**

SUPERIOR COURT OF CALIFORNIA, COUNTY OF BUTTE

Sharif Elmallah  
Court Executive Officer  
1775 Concord Ave.,  
Chico, California 95928  
(530)532-7009

This packet contains information regarding Alternative Dispute Resolution (ADR) and the form to stipulate to ADR.

**Note: This packet must be served to the opposing party along with the complaint. (California Rule of Court 3.221)**

## **YOU DON'T HAVE TO GO TO TRIAL: Other Ways to Resolve a Civil Dispute**

*Did you know that most civil lawsuits settle without a trial? There are a number of ways to resolve civil disputes without having to go to trial. These alternatives to a lawsuit are known as **Alternative Dispute Resolution (ADR)** an increasingly popular option that allows people to resolve disputes outside of court in a cooperative manner.*

*Butte County's ADR department is dedicated to helping you determine the type of ADR that is most likely to help you resolve your dispute. For more questions, please contact Butte County Superior Court at (530) 532-7009 or visit our ADR website at <http://www.buttecourt.ca.gov/apps/CivilADR/Default.htm>*

### **What Are The Advantages Of Using ADR?**

- *Faster* – Litigation can take years to complete but ADR usually takes weeks or months.
- *Cheaper* – Parties can save on attorneys' fees and litigation costs.
- *Cooperative and less stressful* – In mediation, parties cooperate to find a mutually agreeable resolution.
- *Preserve Relationships* – A mediator can help you effectively communicate your interests and point of view to the other side. This is an important benefit when you want to preserve a relationship.

### **What Are The Disadvantages Of Using ADR?**

- *ADR may not be suitable for every dispute*
- *You may go to court anyway* – If you cannot resolve your dispute using ADR, you may still have to spend time and money resolving your lawsuit through the courts.
- *Loss of protections*– If ADR is binding, then you may give up some court protections, including a decision by a judge or jury under formal rules of evidence and procedure, and review for legal error by an appellate court.

### **What types of Disputes are suitable for ADR?**

ADR techniques have been used successfully in a variety of disputes:

- Business disputes- contracts, partnerships
- Property / Land use disputes- property transfers, boundaries, easements
- Consumer / Collection disputes- repairs, services, warranties, debts
- Employment disputes- employment contracts, terminations
- Landlord/tenant disputes- evictions, rent, repairs, security deposits
- Neighborhood disputes / Relational disputes or other civil or personal conflicts
- Personal Injury / Insurance disputes- accidents, coverage, liability

### **Types of ADR Available in Butte County**

#### **□ *Mediation (Local Rule 6)***

In mediation, the mediator (a neutral) assists the parties in reaching a mutually acceptable resolution of their dispute. The mediator does not decide how the dispute is to be resolved. The parties do. It is a cooperative process in which the parties work together toward a resolution that tries to meet everyone's interests. Mediation often leads to better communication between the parties and lasting resolutions.

- *Cases for Which Mediation May Be Appropriate:* Mediation may be particularly useful when parties have a relationship they want to preserve (family members, neighbors, business partners). Mediation is also useful when emotions are getting in the way of resolution. An effective mediator can hear the parties out and help them communicate with each other in a nondestructive manner.

- *Cases for Which Mediation May Not Be Appropriate:* Mediation may not be effective if one of the parties is unwilling to cooperate or compromise. Mediation also may not be effective if one of the parties has a significant advantage in power over the other. Therefore, it may not be a good choice if the parties have a history of abuse or victimization.

□ **Arbitration (Local Rule 6)**

In arbitration, the arbitrator (a neutral) reviews evidence, hears arguments, and makes a decision (award) to resolve the dispute. Arbitration normally is more informal, quicker, and less expensive than a lawsuit. In a matter of hours, an arbitrator often can hear a case that otherwise may take a week in court to litigate. *Binding arbitration* means that the parties waive their right to a trial and agree to accept the arbitrator's decision as final. Generally, there is no right to appeal an arbitrator's decision. *Nonbinding arbitration* means that the parties are free to request a trial if they do not accept the arbitrator's decision. However, if that party does not receive a more favorable result at trial, they may have to pay a penalty.

- *Cases for Which Arbitration May Be Appropriate:* Arbitration is best for cases where the parties want another person to decide the outcome of their dispute for them but would like to avoid the formality, time, and expense of a trial. It may also be appropriate for complex matters where the parties want a decision-maker who has training or experience in the subject matter of the dispute.
- *Cases for Which Arbitration May Not Be Appropriate:* If parties want to retain control over how their dispute is resolved, arbitration may not be appropriate. In binding arbitration, the parties generally cannot appeal the arbitrator's award, even if it is not supported by the evidence or the law. Even in nonbinding arbitration, if a party requests a trial and does not receive a more favorable result at trial than in arbitration, there may be penalties.

□ **Settlement Conferences (Local Rule 3)**

Settlement conferences may be either mandatory or voluntary. In both types of settlement conferences, the parties and their attorneys meet with a judge or a neutral person called a "settlement officer" to discuss possible settlement of their dispute. The judge or settlement officer does not make a decision in the case but assists the parties in evaluating the strengths and weaknesses of the case and in negotiating a settlement. Settlement conferences are appropriate in any case where settlement is an option.

### **Neutral Selection**

The selection of a neutral is an important decision. For your convenience, the court has made available a list of neutrals that can assist parties in resolving their disputes. The two-tiered panel is comprised of individuals that have met the requirements set forth by the court to provide dispute resolution services. Neutrals from the "Random Select" Panel will provide up to three hours of mediation free of charge and will be randomly assigned by the court. Neutrals from the "Party Select" Panel can be chosen by you and are available to assist you on a fee-for-service basis.

*Panelists are not Court employees; therefore service, style and expertise will vary by individual provider.*

There are several types of ADR beside mediation, arbitration and settlement conferences, including case evaluation, conciliation, and mini-trials. The important thing is to try to find the type or types of ADR that are most likely to help you resolve your dispute.

### **Who Should I Contact?**

To locate a dispute resolution program or neutral in your community, call:

The Consumer Information Center at 1-800-952-5210;

The Butte County Bar Association at (530) 345-1940;

Look in the Yellow Pages under "Arbitrators" or "Mediators";

Or contact Butte County Superior Court at (530) 532-7009

<http://www.buttecourt.ca.gov/apps/CivilADR/Default.htm>

## BUTTE COUNTY SUPERIOR COURT PANEL MEDIATORS

### *Random Select Mediators*

Melissa Atteberry  
Lorie Brooks  
Sharon Cohen  
O'Neil Dennis  
Joel P. Franciosa  
Anthony Galyean  
Peter Geissler  
Virginia Gingery  
Mark Habib  
Les Hait  
John T. Harris  
Kimberly Henderson  
M. Brooks Houghton  
David Howard  
Mark Johnson  
Gilbert Jones  
Dawn Kusumoto  
Joel Massae  
Erin McIntosh  
Miriam McNally  
Chester Morris  
David Murray  
Michael Polsan  
Alicia Rock  
Michael Rooney  
Deborah Schowalter  
Joseph Selby  
Frances Simmons  
Jane Stansell  
Kenneth Turner  
Cheryl L. Tyree  
Bobette Vassar  
Erwin Williams  
Martha Wilson  
Elisabeth Woodward

### *Party Select Mediators*

Darrel Lewis  
Kimberly Steffenson  
John Zorbas

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name & Address):   TELEPHONE NO: ATTORNEY FOR (Name):	FOR COURT USE ONLY	
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF BUTTE</b> <input type="checkbox"/> Butte County Courthouse One Court Street Oroville, CA 95965 (530) 538-7002 <input type="checkbox"/> North Butte County Courthouse 1775 Concord Avenue, Chico, CA 95926 (530) 532-7009		
PETITIONER/PLAINTIFF(S):  RESPONDENT/DEFENDANT(S):		
<b>STIPULATION TO PARTICIPATE IN ALTERNATIVE DISPUTE RESOLUTION (ADR)</b>		CASE NUMBER:

The undersigned parties stipulate to participate in Alternative Dispute Resolution (ADR) in the above-entitled action, as follows:

1. ALTERNATIVE DISPUTE RESOLUTION PROCESS:

- ☐ Mediation
- ☐ Mediator assigned from the "Random Select" panel. (*Pursuant to Local Rule 6.8, mediators on the Court's "random select" panel will provide up to three (3) hours of mediation free of charge*)
- ☐ Mediator chosen by the parties from the "Party Select" panel. (*Pursuant to Local Rule 6.8, parties will be charged an amount as agreed upon by the mediator and will be the responsibility of the parties*)
- ☐ Private mediator chosen by the parties – not on Court panel.

**Mediator Name:** \_\_\_\_\_

- ☐ Non-Binding Arbitration
- ☐ Binding Arbitration
- ☐ Arbitrator chosen by the parties from the Court panel. (*Pursuant to Local Rule 6.8, parties will receive up to three hours of arbitration hearing time free of charge. Compensation for additional hours will be negotiated between the parties and the arbitrator and will be the responsibility of the parties*)
- ☐ Private arbitrator chosen by the parties – not on Court panel

**Arbitrator Name:** \_\_\_\_\_

Dated: \_\_\_\_\_

\_\_\_\_\_  
 Name of Stipulating Party  
☐ Plaintiff ☐ Defendant ☐ Cross-defendant

\_\_\_\_\_  
 Name of Party or Attorney Executing Stipulation

► \_\_\_\_\_  
 Signature of Party or Attorney

\_\_\_\_\_  
 Name of Stipulating Party  
☐ Plaintiff ☐ Defendant ☐ Cross-defendant

\_\_\_\_\_  
 Name of Party or Attorney Executing Stipulation

► \_\_\_\_\_  
 Signature of Party or Attorney

☐ Additional Signature(s) on reverse

