

## **CADRe IS USER FRIENDLY!**

By Lee Jay Berman

By now you may have heard that CADRe is here! CADRe is Santa Barbara Superior Court's new **C**ourt **A**dministered **D**ispute **R**esolution program that has been in the planning stages for two years. After a short pilot program, it has been launched and is flying smoothly.

CADRe is the brainchild of the Court's Appropriate Dispute Resolution Committee, a bench-bar committee chaired by Presiding Judge Frank J. Ochoa, and consultant Robert E. Oakes, a law professor and mediator from San Francisco. Local Court Rule 1102 allows judges to send cases for a CADRe conference to investigate whether an Alternative Dispute Resolution (ADR) process might assist in settling a case early.

### **How CADRe Works**

At the time of filing a complaint, the plaintiff's counsel receives a blue CADRe information brochure describing the various ADR processes offered through the courts. This brochure should be especially helpful in educating clients about ADR and the differences between the various processes. This brochure must be provided to defense counsel at the time of serving the complaint. Next, the 120-day Case Management Conference (CMC) is set. 30 days prior to the CMC, the CADRe questionnaire must be submitted to the Department hearing the case. This questionnaire asks each attorney whether they have considered any ADR process, or whether any might be useful in helping to resolve the matter.

At the CMC, if counsel have not already attempted ADR, the judge may order them to a CADRe Conference. This simply requires that they meet with the CADRe office and discuss the various ADR options available on their case. The judge may also require the parties to attend the CADRe conference.

Those options are as follows: for cases of \$50,000 or less that may be ordered to Judicial Arbitration, the parties now have the option of selecting Mediation in lieu of Judicial Arbitration. This process, like Judicial Arbitration, costs the parties nothing. The court pays the mediator the same \$150 per case it pays the judicial arbitrators. The CADRe office assigns the mediators in these cases. For cases over \$50,000, CADRe currently offers two voluntary options: CADRe Mediation and Binding Arbitration, both fee-based panels of expert neutrals whose resumes and biographical information are available at the CADRe office and will soon be accessible on the CADRe site on the world wide web. CADRe will soon be offering two additional ADR options: Neutral Evaluation and Special Masters.

The procedures that follow the CADRe process are rather simple, but there is not a lot of time to waste. Within 10 days following the CADRe process, the parties

need to agree on a process, select the neutral (in cases over \$50,000), contact the neutral, schedule a date within the next 60 days for the CADRe process, and return the CADRe Stipulation to the CADRe office. After completing the CADRe process, the neutral will file a Statement of Agreement or Non-agreement with the court. The parties will then be asked to provide the CADRe office with a survey giving feedback on their experience with the neutral and the process. This means that all tolled, the majority of cases should resolve themselves within seven months after filing.

### **[www.SBCADRe.org](http://www.SBCADRe.org)**

CADRe is presently developing a web site at [www.SBCADRe.org](http://www.SBCADRe.org) that improves service to the legal community. The first of its kind in the nation, the CADRe site will offer a viewing of the neutral's resumes, fees and biographical information, as well as court forms, links to many helpful related sites, and basic information about CADRe. The site will also be a useful client education tool.

In the second phase of development, the site will offer a search engine allowing counsel to search for a neutral based on a number of criteria, including the satisfaction and resolution rates of each neutral in particular case types. This is why the feedback surveys are so important. As soon as a track record of cases can be developed, the CADRe site will list the best mediators based upon feedback gathered from the users. The site will allow counsel to select neutrals based on empirical data, rather than familiarity, rumor, or title.

In addition to the technical wizardry CADRe hopes to provide, CADRe will also provide the human element. As the new CADRe Director, I will be available as a resource to litigators and litigants alike. Please feel free to contact me in the CADRe office any time to answer questions. The court and the ADR Committee want CADRe to be as user friendly as possible. We welcome your continued support as well as any suggestions or feedback you may want to offer after participating in the program. The CADRe phone number is 568-3124.

*Lee Jay Berman is the new CADRe Director, hired to implement and manage the CADRe program. Mr. Berman has enjoyed a successful professional career as a mediator and trainer. He founded both The Mediation Alliance and The Institute for Mediation Studies, both in Santa Monica, and has mediated over 500 litigated matters.*

