Helpful Early Neutral Case Evaluation Program:

The Helpful Early Neutral Case Evaluation Program provides an opportunity for litigants to resolve their conflict at the early stages of their case. Litigants meet with a neutral evaluator, who as an experienced attorney with subject matter experience that relates to the specific case type, assists the litigants to reach a mutual resolution to their case.

The Helpful Early Neutral Case Evaluation Program may be appropriate when the parties want to participate in a non-adversary procedure.

Civil Mediation Center
Old Courthouse
580 Texas St.
Fairfield, CA 94533
(707) 207-7413
FAX (707) 425-4996

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SOLANO

CIVIL MEDIATION CENTER

DEDICATED TO PROVIDING ACCESS TO FAIR AND IMPARTIAL JUSTICE FOR ALL

Alternative Dispute Resolution

Introduction

Alternative Dispute Resolution (ADR) is a general term for a wide variety of dispute resolution processes that are alternative to litigation. Types of ADR processes include mediation, arbitration and settlement conferences, among other forms.

Advantages of ADR

ADR can have a number of advantages.

- ADR can save time. A dispute can be resolved in a matter of months, even weeks, while litigation can take years.
- ADR can save money. Attorney fees, court costs and expert fees can be reduced.
- ADR invites more participation. Parties have more chances to express their interest and concerns instead of focusing exclusively on legal rights.
- ADR allows more control and flexibility. Parties can choose the ADR process that is most likely to bring a satisfactory resolution to their dispute.
- ADR can reduce stress. ADR encourages cooperation and communication, while discouraging the adversarial atmosphere of litigation.
- ADR can be more satisfying. For all the above reasons, many people have reported a high degree of satisfaction with ADR.

Main Form of ADR Offered by the Court

Mediation

Mediation is an informal, confidential process in which a neutral person (the mediator) assists the parties in understanding their own interests, the interests of the other parties, and the practical and legal realities of their dispute. The mediator helps each side to explore options and arrive at a mutual acceptable resolution. The mediator does not decide the dispute, the parties do.

Mediation may be appropriate when: The parties want a non-adversary procedure; the parties have a continuing business or personal relationship; communication problems are interfering with a resolution; there is an emotional element involved; the parties are interested in an injunction, consent decree, or other form of equitable relief.

Arbitration

Arbitration is normally an informal process in which a neutral person (the arbitrator) decides the dispute after hearing the evidence and arguments of the parties. The parties can agree to binding or non-binding arbitration. Binding arbitration is designed to give each side a resolution of their dispute when they cannot agree between themselves or with a mediator. If the arbitration is non-binding, any party can reject the arbitrator's decision and request a trial.

Arbitration may be appropriate when: the action is for personal injury, property damage, breach of contract; when only monetary damage is sought; witness testimony under oath is desired; an advisory opinion is sought from an experienced litigator (if non-binding arbitration)

SOLANO COUNTY SUPERIOR COURT
ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION

The judges of the Civil Division agree that parties should consider using Alternative Dispute Resolution (ADR) to settle their cases. To tell the court you will use ADR:

- Choose ADR on the Case Management Statement (CM-110) or
- File a Stipulation and Order - ADR or
- Agree to ADR at your first court appearance

Questions? Call (707) 207-7413 or go to ***www.solano.courts.ca.gov/adr***

The following information about the ADR Programs available at the Solano Court is provided in addition to the information in the "Civil Mediation" brochure:

Pro Bono Mediation Program:

The Pro Bono Mediation panelists are the same mediators on the listing of mediators who provide their services without cost when ordered by the judge.

Request Pro Bono Mediation by entering the program name on the Case Management Statement or on the Stipulation and Order – ADR (Alternative Dispute Resolution). Attach a declaration to the Stipulation and Order – ADR describing why mediation services should be provided without costs to the parties.

Private Mediation and Arbitration:

Parties may select a mediator or arbitrator of their choice including someone not on the listings maintained by the court. If a private mediator, arbitrator or evaluator is selected who is not on the court maintained listing, your selection must be approved by the court.

Fees:

The court requires the fees for ADR to be split equally by the parties at the rate set by the mediator/arbitrator/evaluator unless otherwise ordered by the court. Fees are usually charged on an hourly basis. The court offers "no fee" mediation to parties who cannot afford to pay for mediation. A party may request "no fee mediation" at the Case Management Conference or by filing a "Stipulation and Order – Alternative Dispute Resolution" and attaching a declaration stating why mediation services should be provided at no cost to the parties.