

From: Judge Helen I. Bendix [HBendix@LASuperiorCourt.org]
Sent: Monday, January 14, 2008 11:55 AM
To: gailkaplan@MediateSolutionsNow.com
Subject: Response to your request

Gail,

The following is Julie's summary of some of the factual inaccuracies in the proposed resolution:

"The data used by the proponents of the amendment was obtained from the LASC written response to the County's request for proposal to receive DRPA funds for the funding cycle of 2003 -06.

? The interpretation of the data implies that LASC ADR uses DRPA monies for only unlimited civil jurisdiction cases with the amount in controversy exceeding \$50,000;

? The settlement rate for these cases is 25%;

? LASC's priority is to provide mediation services to litigants who stipulate to mediation rather than court-ordered.

The LASC written response to the County's request for proposal to receive DRPA funds for the funding cycle of 2003 -06 include limited civil jurisdiction, family law non-custody and eminent domain cases. Subsequently, LASC ADR added civil harassment, small claims and probate mediation.

Based on the FY 06 -07 resolution rates, the overall resolution rate for LASC ADR was 67% and the DRPA resolution rate (excludes cases ordered and settlement conferences) was 58%.

DRPA monies can not be used for court-ordered mediation.

Since the DRPA fund is composed of monies from the court filing fee, prior to the 2003 - 2006 RFP, the County solicited the Court ADR Committee's input in developing program priorities. A letter was sent to the County outlining the Court's priorities and these priorities were referenced in the LASC written response to RFP. Specifically, the LASC ADR resources focused primarily on the resolution of unlimited jurisdiction cases because "trials of these cases typically consume the most court time, so that ADR services allocated to them tend to produce the most cost-effective and efficient

use of ADR resources." However, this did not preclude other case types from the mediation process."

In addition, as you and I have discussed previously, the proposed

amendments would make the court a marketing organization by requiring it to keep a list of mediators for non-court annexed ADR and leave the court open to complaints about mediators in such non-court sponsored mediations.

Helen