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Section on Conflict Resolution

January 23, 2008

Howard S. Fredman, Chair
BHBA Resolutions/State Bar
Conference of Delegates
hsflawyer@aol.com

Re: [Draft Civil Mediation Resolution](#)

Dear Howard:

On behalf of the Section on Conflict Resolution (SCR), I want to thank you for our recent dialogue concerning the issue of mediator pay in court annexed programs. As you requested, attached are the comments we received from Heather Anderson and Alan Wiener (AOC staff), Judge Helen Bendix and Julie Bronson (LASC), and Nancy Peverini (COAC Legislative Counsel) on the Draft Civil Mediation Resolution now before ResCom.

In principle, the Executive Committee of SCR is in favor of the ultimate goal: Mediators participating in court-annexed civil action mediation programs should be paid in appropriate cases. While there is no disagreement about the goal to be achieved, divergence of opinion arises concerning what procedures best meet the needs of all the stakeholders to achieve payment of mediators.

Based on our deliberation and consideration of the proposed Resolution and in light of the strong views expressed by stakeholders AOC, LASC and CAOC staff, we believe it would be in the best interest of all the stakeholders that we all meet; i.e., the proposal's author (Elizabeth Moreno), interested ResCom members, interested SCR members, and key stakeholders to discuss the issues. In a cooperative effort, the stakeholders should be able to reconcile differences and achieve consensus on a proposal in support of mediator pay. Specifically, we are recommending that such a meeting be in the form of a discussion facilitated by an agreed upon mediator.

In the interest of BHBA, we believe it would be most constructive if the various stakeholders meet and achieve a consensus which we then jointly could propose to the BHBA Board.

Your consideration is appreciated.

Best Regards,

Gail

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