

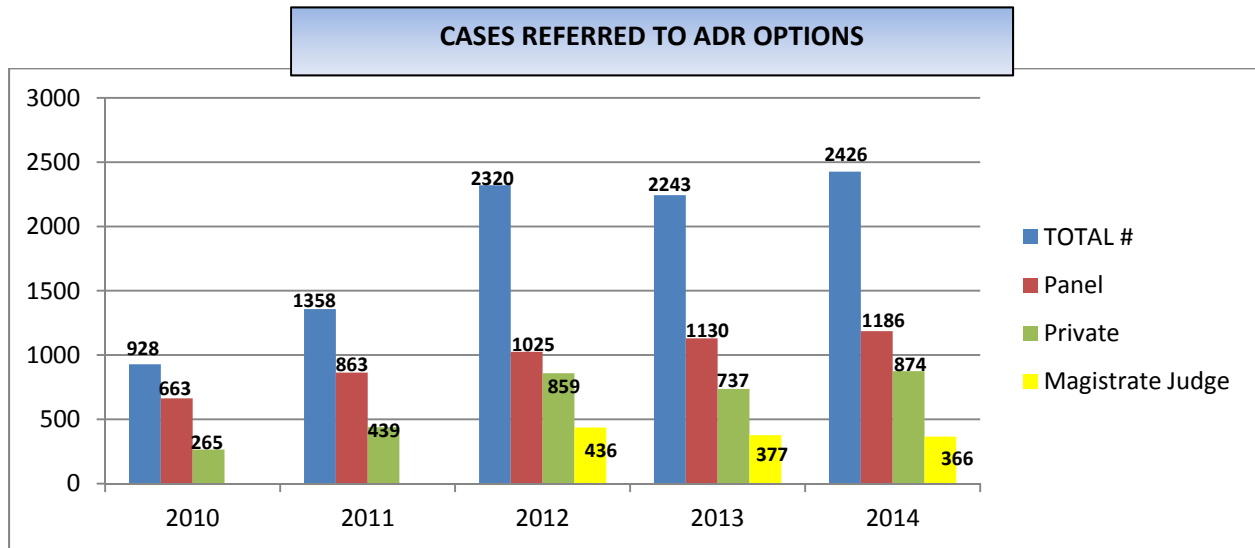


2014 ADR Program Report

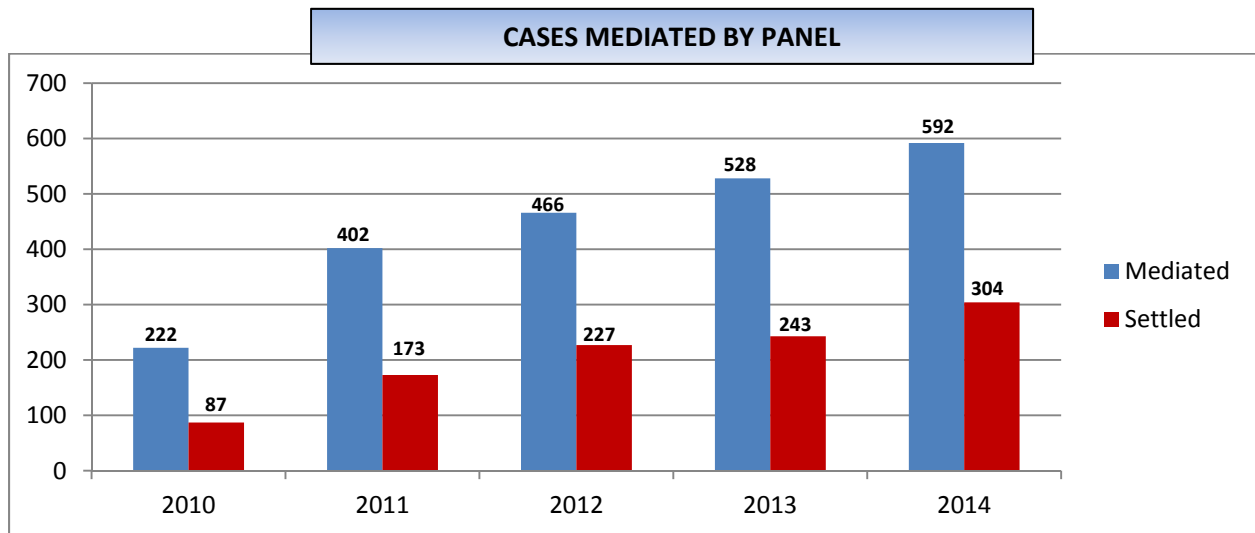
ADR Program Report – Calendar Year 2014

Caseload:

During CY 2014, the Court referred 2,426 cases to one of the three ADR options: 366 cases were referred to a Magistrate Judge for a settlement conference; 1,186 cases were referred to the Court Mediation Panel; and 874 cases were referred to private mediation.

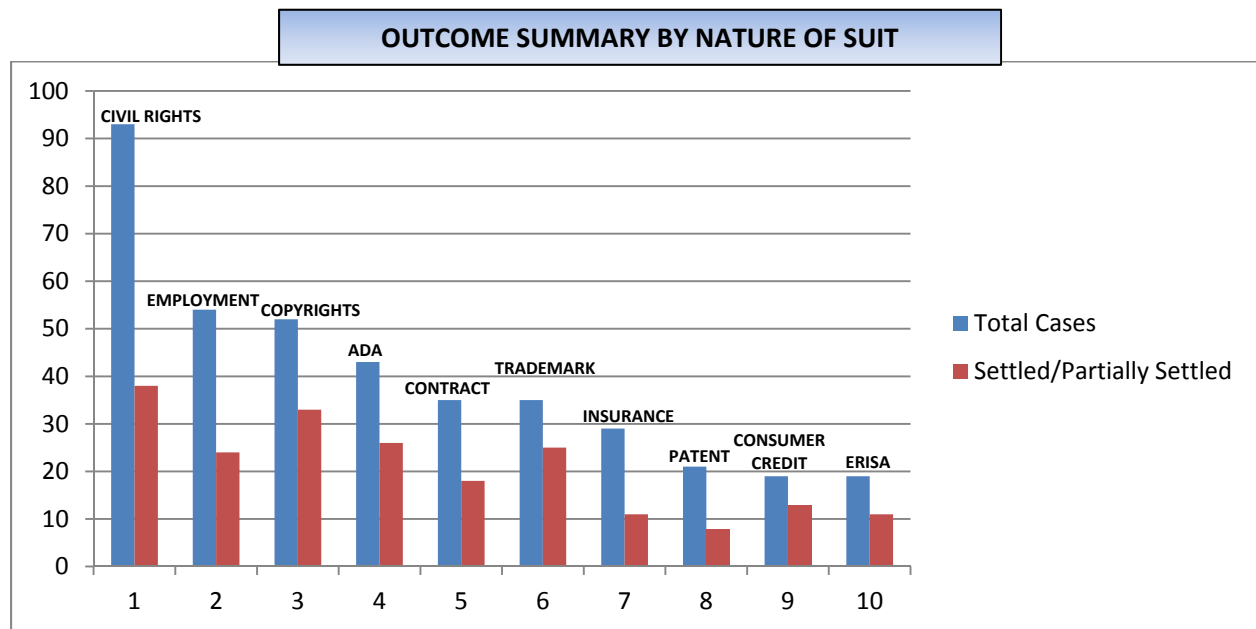


Of the 1,186 cases referred to the Mediation Panel, Panel Mediators conducted mediations in 592 cases and settled, or partially settled, 304 cases, for a settlement rate of 51.3%.



Of the 288 cases mediated by a Panel Mediator that did not settle at the mediation session, 27 cases settled within 60 days *after* the mediation session. In addition to the cases mediated by the Panel, 296 cases referred to the Mediation Panel settled before the mediation session took place. If these two categories of settlements are included in the Mediation Panel’s settlement rate, the settlement rate increases to 70.6%.

The following graph shows the substantive areas most often mediated by Panel Mediators:



Surveys completed by mediation participants in 2014 show that over 80% of the responding participants were satisfied with the outcome of the mediation process conducted by Panel Mediators and that 80% of the respondents found that the benefits of the mediation outweighed the costs. 93% of the respondents found that the procedures used in the mediation process were fair. The participant surveys also showed that over 53% of the respondents rated the mediator “excellent,” and an additional 26% rated the mediator “very good.”

Mediation Panel

In the summer of 2014, the Court appointed 27 new Panel Mediators. In order to serve as a Panel Mediator, a person must be a member in good standing of the Bar of the United States District Court, Central District of California, with at least ten years legal practice experience, substantial experience with or knowledge of civil litigation in federal court, and

significant expertise in one or more designated areas of law. The applicant must also complete a court-conducted or court-approved training course in mediation.

With the new panel members and attrition, by the end of 2014 the Mediation Panel consisted of approximately 220 attorney-mediators who collectively possess expertise in 24 areas of law. Cases are referred to the Panel through Local Rule 16-15 and General Order 11-10. Pursuant to Local Rule 16-15.4, parties may elect to use the Panel as their preferred ADR procedure. Under General Order 11-10, most civil cases assigned to district judges participating in the Court-Directed ADR Program are presumptively referred to mediation, either to the Panel or to private mediation. There are currently twenty-six district judges participating in the Court-Directed ADR Program.

Continuing Education for Panel Mediators:

The ADR Program hosted the following education programs for members of the Mediation Panel:

- *Multi-Cultural & Communication Issues Affecting Mediation*, Presentation by Panel Mediator Les Weinstein (March 28, 2014).
- *Advanced Mediation Training* with Eric Galton and Tracy Allen (April 28, 2014).
- *Advanced Mediation and Settlement Skills*, September 4, 2014:
 - *When Both Sides Are Righteously Indignant: Mediator Tools Derived from Fee-Shifting Cases*, presented by Claudia Bernard, Chief Circuit Mediator, U.S. Court of Appeals for the Ninth Circuit, and Howard Herman, Director, ADR Program, U.S. District Court (N.D.Cal.); and
 - *Implicit Bias*, presented by Hon. Jeremy Fogel, Director, Federal Judicial Center.
- *Mediation Training and Orientation* (for new Panel Mediators), September 5, 2014, presented by Howard Herman, ADR Director (N.D.Cal.).
- *Mediation Ethics and Confidentiality*, October 16, 2014. Presented by Panel Mediators Jan F. Schau, Joan B. Kessler, and Phyllis G. Pollack.
- *Mediation Book Discussion*, December 17, 2014. Panel Mediator Jan Schau led a discussion of Lawrence Susskind's *Good for You, Great For Me: Finding the Trading Zone and Winning at Win-Win Negotiation*.

Outreach Efforts

During CY 2014, the outreach efforts for ADR Program included the following:

- January 21, 2014: ABTL Lunch Program, *Getting to Yes: Strategies and Resources for Settlement in Federal and State Court*. Judge Gandhi participated on this panel with Panel Mediator Michelle Reinglass, Hon. Helen I. Bendix (LASC), and Moderator Robert S. Span, Steinbrecher & Span LLP, Co-Chair of LACBA Litigation Section, Federal Court Coordinating Committee, ADR Subcommittee.
- May 7, 2014, Orange County Bar Association, *Recent Developments in Mediation Law*, Panel Mediator Rebecca Callahan organized a panel presentation, including ADR Program Director Gail Killefer.
- November 17, 2014: Judge Staton and Judge Gandhi made a presentation to the Orange County Bar Association, ADR Section.
- December 17, 2014, *More Effective Mediation Advocacy*, presentation to the U.S. Attorney's Office, Civil Division, by Panel Mediator John Nordin and Gail Killefer.

Additional Outreach: International Visitors

Two JAMS Fellows spent an afternoon visiting the ADR Program: Sherif Elnegahy, a Judge and former Public Prosecutor, Ministry of Justice, Egypt; Aleksandre Tsuladze, Head of the Analytical Department, Supreme Court of Georgia.

Honourable Mr. Justice Vashiest Kokaram, High Court Judge of the Supreme Court of the Republic of Trinidad and Tobago, visited the ADR Program in May and shadowed a mediation of a civil rights case.