

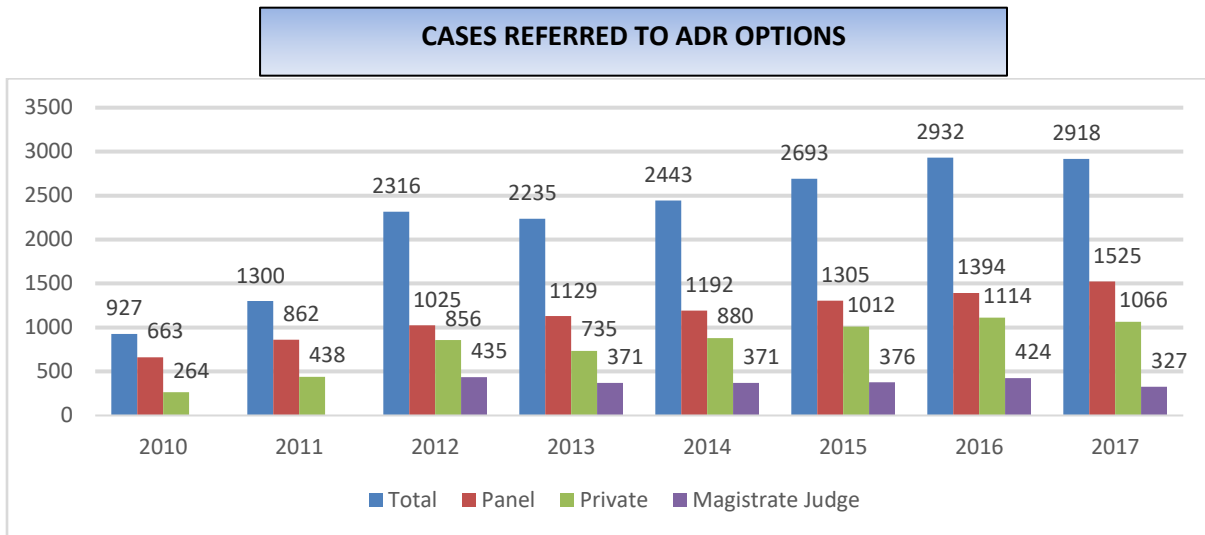


2017 ADR Program Report

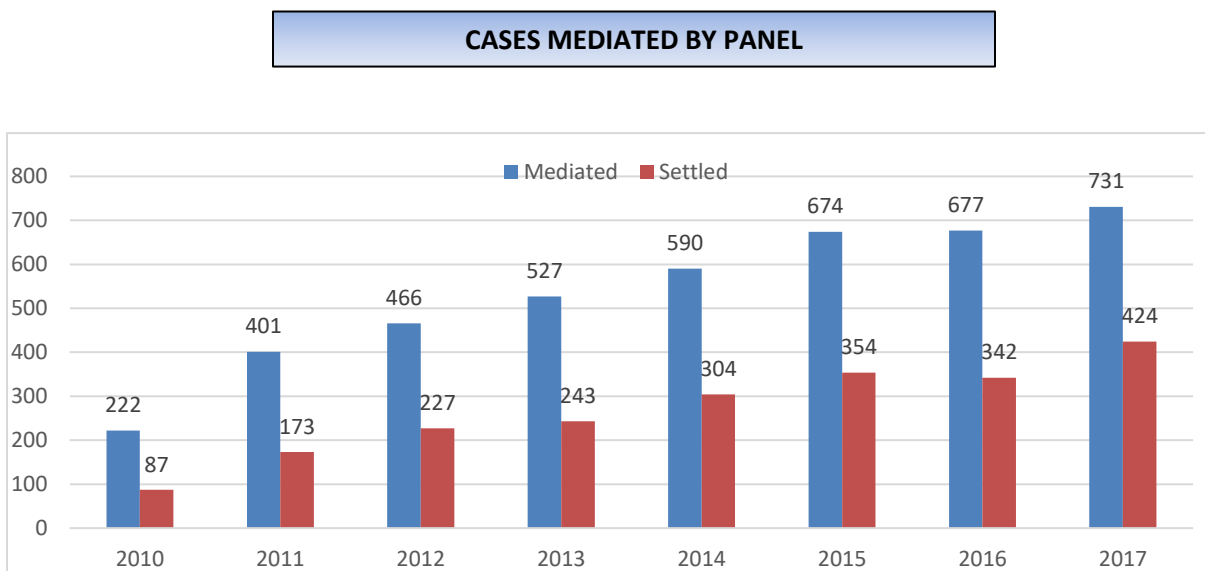
ADR Program Report – Calendar Year 2017

Caseload

During CY 2017, the Court referred 2,918 cases to one of the three ADR options: 327 cases were referred to a Magistrate Judge for a settlement conference; 1,525 cases were referred to the Court Mediation Panel; and 1,066 cases were referred to private mediation.

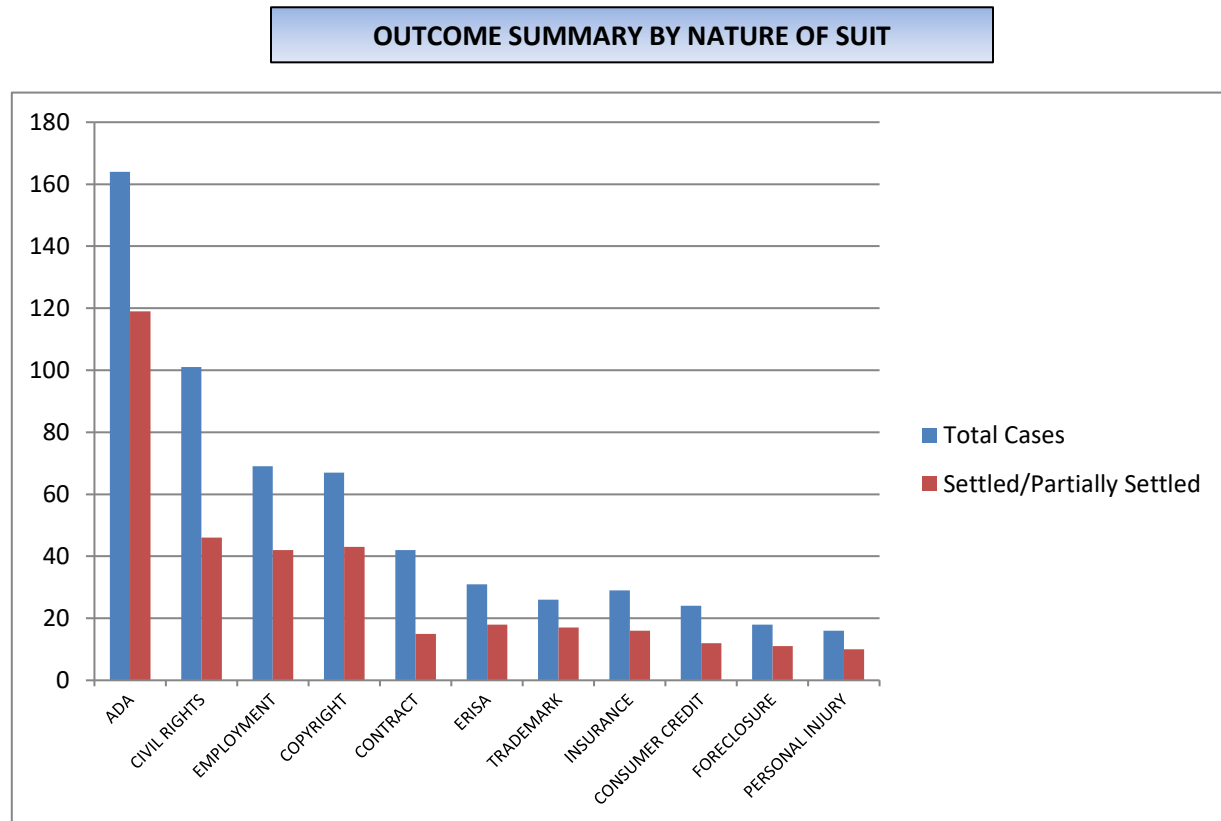


Of the 1,525 cases referred to the Mediation Panel, Panel Mediators conducted mediations in 731 cases and settled, or partially settled, 424 cases, for a settlement rate of 58%.



Of the 307 cases mediated by a Panel Mediator that did not settle at the mediation session, 41 cases settled within 60 days *after* the mediation session. These settlements increase the settlement rate of the Panel Mediators to 63.7%.

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



Evaluation of the Mediation Panel

Surveys completed by 148 mediation participants in 2017 show that 84% of the responding participants were satisfied with the outcome of the mediation process conducted by Panel Mediators: 51% were “very satisfied,” 33% were “satisfied,” 11% were “dissatisfied,” and 5% were “very dissatisfied.”

Of 144 responses, nearly 85% found that the benefits of the mediation outweighed the costs, and approximately 15% found that the benefits did not outweigh the costs.

Of 148 responses, approximately 67% of the respondents found that the procedures used in the mediation process were “very fair,” 28% described the procedures as “fair,” 4% described the procedures as “unfair,” and less than 1% described the procedures as “very unfair.”

Of 151 responses, 64% of the respondents rated the mediator “excellent,” 23% rated the mediator “very good,” 9% rated the mediator “satisfactory,” 3% rated the mediator “unsatisfactory,” and 1% rated the mediator “terrible.”

New Appointments

In the summer of 2017, the Court appointed 18 new Panel Mediators. With the new panel members and with attrition, the Mediation Panel consisted of approximately 235 attorney-mediators by the end of 2017. The Panel Mediators collectively possessed expertise in 24 areas of law.

Continuing Education for Panel Mediators

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

- **Central District's Annual Advanced Mediation Training on July 31, 2017:** In a morning presentation, Panel Mediator Rebecca Callahan and Neil Carmichael, Vice President, Education and Training, American Arbitration Association (AAA), presented *Settlement Building: What Are Effective Techniques that Work to Advance the Ball and Keep it Rolling Forward?* In addition to discussing settlement building, the presenters discussed the ethics of how and when mediators can provide analytical and non-analytical input during the negotiation phase of a mediation while still respecting party self-determination.

In an afternoon program, G. Daniel Bowling, Esq., former Staff Attorney/Mediator for the ADR Program of the U.S. District Court, Northern District of California, and co-author of *Bringing Peace Into the Room*, presented *Who Are You Being While Mediating?: Mindfulness, Personal Qualities, and Reflective Practice*. The workshop focused on the importance of paying attention to one’s personal qualities as a mediator, through mindfulness and reflective practice.

- **Mediation Training and Orientation** (August 29, 2017). In a one-day training, Gail Killefer presented panel mediators recently appointed by the Court with approaches to the various stages of mediation and discussed how mediators can most effectively use this Court's ADR procedures.
- **"The Psychology of Litigation"** presented by Magistrate Judge Andrew J. Wistrich on September 26, 2017.
- **Brown bag lunch with Judge Staton and Judge Gandhi** in Santa Ana on October 25, 2017. (No CLE credit.)
- **Brown bag lunch with Judge Gutierrez and Judge Oliver** in Los Angeles on October 26, 2017. (No CLE credit.)
- **"Cross-Cultural Issues in Mediation"** presented by Panel Mediators Rande Sotomayor, Phyllis Cheng, and Nicholas Connon on November 28, 2017.

Mediation Book Discussions:

- May 24, 2017. The group discussed *The Righteous Mind*, by Jonathan Haidt.
- August 24, 2017. Panel Mediator Greg Wood led a discussion of *Integrity*, by Henry Cloud.
- November 7, 2017. The group discussed *Difficult Conversations: How to Discuss What Matters Most*, by Douglas Stone, Bruce Patton, Sheila Heen, and Roger Fisher.

Mediation Practice Groups:

In 2017, the ADR Program began offering Panel Mediators a new opportunity for continued training and skills development: "practice groups." Practice groups are small group meetings, scheduled every other month for ninety minutes, to discuss cases, challenges in mediation practice, and ethical issues.

We established four practice groups: two groups in Los Angeles, one in Santa Ana, and one in Riverside. The Los Angeles and Santa Ana groups included ten to eleven mediators each; the Riverside group was smaller.

ADR Suite

In 2017, the ADR Unit settled into the ADR Suite, Room 4159, on the fourth floor of the new First Street courthouse in Los Angeles. The ADR Suite includes two conference rooms and a large workspace for Monica Boone, the ADR Administrative Assistant. The ADR Suite now offers wi-fi.

Panel Mediators frequently mediate in the two ADR conference rooms, in the Attorney Lounge area on the second floor, and in witness rooms outside vacant courtrooms. There are often three or more panel mediations going on in the courthouse at the same time. Monica's assistance to the Panel Mediators in printing settlement agreements and providing the necessary ADR forms is invaluable.

ADR Program Activities and Outreach Efforts

In CY 2017, Gail Killefer participated as faculty in a mediation training in San Francisco, sponsored by the Ninth Circuit ADR Committee, for judges throughout the Ninth Circuit. She also participated as faculty on a portion of a novel program discussing the nature of civil discourse, using the federal judiciary as a model, presented by the Federal Judicial Center and the Justice Anthony M. Kennedy Library and Learning Center in Sacramento.

In August, Gail gave a presentation on *ADR in the U.S. District Court, Central District of California*, to members of Dispute Resolution Services, Community Services Program, in Orange County. She also moderated a panel discussion, entitled *ADR: A Case Management Tool & An Opportunity for Parties to Have Their Day in Court*, for the Federal Bar Association, Inland Empire Chapter, with panelists U.S. Magistrate Judge Kenly Kiya Kato, and Panel Mediators Keith M. Parker and Daniel S. Roberts.

In March, Gail participated on a panel at the Los Angeles Global Pound Conference: Shaping the Future of Dispute Resolution & Improving Access to Justice, and, in June, on a panel on ADR Opportunities at the USC/JAMS Arbitration Institute: Managing Enterprise Risk Program.