

The State Bar of California
FY 2009 Committee on Alternative Dispute Resolution Work Plan

BACKGROUND
Sub-entity Name: Committee on Alternative Dispute Resolution
Chair: Jessica M. Notini
State Bar Staff: Saul Bercovitch, Staff Attorney
Date: January 31, 2008
Sub-entity Background: <p>The Committee on Alternative Dispute Resolution (“ADR Committee”) is composed of twenty-one persons appointed by the Board of Governors. Its membership consists of a diverse group of attorneys and public members with expertise or an interest in ADR, including ADR neutrals, consumers of ADR services and those who reflect the experience and expertise of State Bar sections. The charge of the committee is as follows:</p> <ul style="list-style-type: none">a. Analyze, report to the Board of Governors and comment as authorized by the Board of Governors on proposed court rules, legislation and other proposals affecting the committee's subject area.b. Draft proposals relating to alternative dispute resolution for consideration by the Board of Governors.c. Identify issues concerning the relationship of ADR to the practice of law, the administration of justice and improving access to justice.d. Plan and administer educational programs relating to alternative dispute resolution.e. Encourage attorneys involved in alternative dispute resolution to become active participants in the State Bar.f. Perform such other functions relevant to the committee's subject area as the Board of Governors may from time to time assign.

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Proposed Activities	
<u>Activity 1</u>	<u>Status/Time Frame:</u>
Rules of Court and related proposals – Review, analyze, and comment on Judicial Council and other rule of court proposals that relate to ADR.	Ongoing, as proposals are issued for public comment (e.g., Judicial Council’s Spring, Winter, and Special Cycles). The ADR Committee is also available to provide informal input on proposals, as may be necessary. As with other ADR Committee activities, this work varies by year, depending upon the number, nature, and scope of proposals and comments.

Performance Indicators
Continuing to provide technical expertise and input on matters relating to alternative dispute resolution. Providing opportunities for member involvement, and encouraging participation in efforts to improve the administration of justice as it relates to ADR.

Proposed Activity Budget
Activity is ongoing throughout the year, intermingled with other Committee activities, and not associated with a particular budgetary amount.

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Proposed Activities	
<u>Activity 2</u>	<u>Status/Time Frame:</u>
<p>Legislation – a) Review and analyze bills that relate to ADR. Recommend actions or positions for the Board of Governors to take; recommend technical corrections or improvements; take positions; or provide other input, as appropriate; b) consider and draft potential ADR Committee sponsored legislation for consideration by the Board of Governors for inclusion in the section and committee legislative program; c) participate, in coordination with State Bar’s Office of Governmental Affairs, in “Resource to Legislature/Administration” program; d) review, analyze and comment, as appropriate, on Judicial Council proposals that are being considered as potential legislation.</p>	<p>Throughout the legislative session, the ADR Committee monitors and analyzes legislation for consideration of potential or actual comments. Members of the ADR Committee are available on an ongoing basis to provide technical expertise, as may be requested. Potential legislation of the ADR Committee and others may be considered at various times during the year.</p>

Performance Indicators
<p>Continuing to provide technical expertise and input on matters relating to alternative dispute resolution. Providing opportunities for member involvement, and encouraging participation in efforts to improve the administration of justice as it relates to ADR.</p>

Proposed Activity Budget
<p>Activity is ongoing throughout the year, intermingled with other Committee activities, and not associated with a particular budgetary amount.</p>

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Proposed Activities	
<u>Activity 3</u>	<u>Status/Time Frame:</u>
California Law Revision Commission – Review and analyze proposals that relate to alternative dispute resolution. Take positions or provide other input, as appropriate. Provide input on issues that the Law Revision Commission is analyzing.	Formal ADR Committee comments are considered throughout the year, as proposals relating to the ADR Committee’s charge are considered and made by the CLRC. Members of the ADR Committee are also available throughout the year to provide informal input in connection with matters that the CLRC is considering.

Performance Indicators
Continuing to provide technical expertise and input on matters relating to alternative dispute resolution. Providing opportunities for member involvement, and encouraging participation in efforts to improve the administration of justice as it relates to ADR.

Proposed Activity Budget
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Proposed Activities	
<u>Activity 4</u>	<u>Status/Time Frame:</u>
Conference of Delegates of California Bar Associations – Review and analyze resolutions of the Conference of Delegates of California Bar Associations, and prepare reports and recommendations on those relating to ADR.	Formal comments are considered once per year, after resolutions of the Conference of Delegates of California Bar Associations are released for public comment. The ADR Committee is also available throughout the year to provide additional input, as may be necessary.

Performance Indicators
Continuing to provide technical expertise and input on matters relating to alternative dispute resolution. Providing opportunities for member involvement, and encouraging participation in efforts to improve the administration of justice as it relates to ADR.

Proposed Activity Budget
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Proposed Activities	
<u>Activity 5</u>	<u>Status/Time Frame:</u>
<p>Education/Outreach/Diversity – a) Sponsor and speak at educational programs relating to alternative dispute resolution; b) develop and update educational material relating to ADR; c) engage in outreach efforts, which may include presentations to business groups, bar organizations, or other organizations that lack experience or familiarity with ADR. The ADR Committee has a newly formed outreach/diversity subcommittee that plans to work in those areas.</p>	<p>The ADR Committee’s educational efforts are ongoing. The nature and timing of those efforts depends to some extent upon the particular audience. For example, the ADR Committee has historically presented MCLE programs for attorneys at the State Bar Annual Meeting, and may be involved with other MCLE programs. The ADR Committee also created a consumer pamphlet on ADR for the State Bar series, aimed at members of the public. This pamphlet may be updated in the future, if necessary. The ADR Committee has been working on an Attorneys’ Guide to ADR, aimed at attorneys, which is subject to final edits. The ADR Committee plans to continue to work in the areas of outreach and diversity.</p>

Performance Indicators
<p>Continuing to provide high quality educational information relating to ADR for consumers and attorneys.</p>

Proposed Activity Budget
<p>Planning for MCLE programs is ongoing throughout the year and intermingled with other Committee activities, although the greatest cost is associated with the State Bar Annual Meeting. The Annual Meeting budgetary amount varies from year to year, depending upon such factors as the number of programs, number of speakers, and resulting travel expenses for speakers. Outreach and other educational efforts beyond the State Bar Annual Meeting are not associated with a particular budgetary amount.</p>

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Proposed Activities	
<u>Activity 6</u>	<u>Status/Time Frame:</u>
Coordination with other State Bar entities – The ADR Committee generally coordinates with other State Bar entities on issues of mutual interest, and provides expertise and input on ADR-related issues that other State Bar entities are considering.	Ongoing, as needed.

Performance Indicators
Continuing to provide technical expertise and input on matters relating to alternative dispute resolution. Providing opportunities for member involvement, and encouraging participation in efforts to improve the administration of justice as it relates to ADR.

Proposed Activity Budget
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Proposed Activities	
<u>Activity 7</u>	<u>Status/Time Frame:</u>
On occasion, individual members of the State Bar of California communicate with the State Bar, recommending changes in the law. To the extent these communications fall within the ADR Committee's charge and area of expertise, they would be referred to that committee for analysis and appropriate response.	The ADR Committee is available, on an ongoing basis, to provide expertise and input.

Performance Indicators
Continuing to provide technical expertise and input on matters relating to alternative dispute resolution. Providing opportunities for member involvement, and encouraging participation in efforts to improve the administration of justice as it relates to ADR.

Proposed Activity Budget
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How Activities Address State Bar Strategic Plan

Combined activities further the following goals:

Goal 2 – Providing a wide array of services and benefits to members that meet their professional development, business, and personal needs

- Seeks ways to improve and inform members about professional development opportunities and services, including continuing legal education and alternative dispute resolution.

Goal 3 – Ensuring that all people have access to high quality legal services regardless of financial or other circumstances

- Supports the appropriate use of alternative dispute resolution processes, particularly mediation, and actively participates in the providing of those alternatives to all court users including self-represented litigants.
- Works collaboratively with the Judicial Council on issues relating to court access and services for self-represented litigants.

Goal 4 – Providing effective and supportive relationships with all stakeholders

- Develops supportive, collaborative relationships to assist all parts of the State Bar in successfully fulfilling the respective roles and responsibilities of members, member groups, and other stakeholders.
- Actively encourages and supports member participation in bench-bar efforts to improve the administration of justice and access to the legal system for low and moderate income Californians.
- Cultivates positive working relationship between the State Bar and the Legislative and Executive Branch.
- Actively informs the public, members, and key stakeholders about the effective operation and activities of the State Bar and its members and seeks input from stakeholders about the operation and activities of the Bar.
- Maintains the positive working relationship between the Supreme Court and the State Bar.

Goal 5 – Enhancing State Bar's role as a contributing and accountable leader in improving the administration of justice and ensuring the rule of law in our civil society

- Encourages increased participation in State Bar activities and identifies opportunities to inspire diversity in leadership in all members of the bar.
- Enhances opportunities for and encourages attorney participation in state and local justice system policy setting activities, including the development, consideration, and support or opposition to rules of court and legislation affecting the practice of law.

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How Activities Address Sub-entity Charge

Recommended New Strategic Initiatives For Board Consideration
Name of Initiative: The ADR Committee will continue to focus on and enhance its core activities, but does not currently have any new strategic initiatives planned for 2009. Purpose: Responsible Entity: Connection to Strategic Plan: Desired Outcome(s): Fiscal and Staff Implications: Proposed Performance Measures:

Are activities within legislative and judicial restrictions imposed on the State Bar (<i>Keller, Hudson, Brosterhous, etc.</i>)? Yes [X] No [] If no, please explain.

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PROPOSED BUDGET				
Business Unit (MCU) 16006 (Combined Proposed Activity Budgets plus Staff Costs)				
Items	2007 Budget	2007 Outlook	2008 Budget	2009 Proposed
Estimated Staff Time Required FTE: 20% Temporary Consultant				
Travel Staff	502	21	601	601
Travel Others (e.g. Annual Meeting speakers for MCLE presentations)	2,029	362	3,650	3,650
Travel Volunteer	10,222	9,172	8,779	8,779
Catering	3,420	3,508	3,013	3,013
Books and Publications	0	40	0	0
Postage	289	21	44	44
Stationery and Office Supplies	0	0	0	0
Telephone	797	338	226	226
Copier Allocation	2,571	1,153	1,272	1,272
Delivery Services	109	179	127	127
Audio/Video Productions (Annual Meeting A/V equipment)	0	623	0	0
Other Professional Services Outside Printing Outside Design In House Printing Miscellaneous	20	0	0	0
TOTAL Operating Expense	19,959	15,418	17,771	17,771