

AGENDA ITEM

MARCH 54-167
Mediation Week
Recognition

DATE: February 17, 2009

TO: Members, Board of Governors
Members, Board Committee on Stakeholder Relations

FROM: Office of Governmental Affairs

SUBJECT: Mediation Week Recognition

EXECUTIVE SUMMARY

Since 1993, many California government officials and agencies – including the Board of Governors in several prior years – have recognized the third week of March as Mediation Week. State Bar staff and staff from the Administrative Office of the Courts have discussed State Bar action, as part of the judicial branch recognition of Mediation Week. The Office of Governmental Affairs recommends that the Board Committee on Stakeholder Relations recommend to the full Board of Governors that it adopt a resolution recognizing Mediation Week. Questions regarding this agenda item should be directed to Saul Bercovitch, Legislative Counsel, at (415) 538-2306.

BACKGROUND

Since 1993, many California government officials and agencies have recognized the third week of March as Mediation Week. The Governor has issued proclamations or letters recognizing Mediation Week. The Senate and Assembly have issued at least one joint resolution recognizing Mediation Week, and the Assembly has issued others. The Boards of Supervisors of the Counties of Los Angeles, San Diego, and San Mateo; and the Santa Barbara City Council have all recognized Mediation Week in one or more years. The Board of Governors has recognized Mediation Week in prior years.

State Bar staff and staff from the Administrative Office of the Courts have discussed State Bar action, as part of the judicial branch recognition of Mediation Week.

FISCAL/STAFF IMPACT

None

BOARD BOOK/ADMINISTRATIVE MANUAL IMPACT

None

RECOMMENDATION

The Office of Governmental Affairs recommends that the Board Committee on Stakeholder Relations recommend to the full Board of Governors that it adopt a resolution recognizing Mediation Week, similar to the resolution that the Board of Governors adopted in 2007 and 2008.

RESOLUTION

PROPOSED BOARD COMMITTEE RESOLUTION

If the Board Committee on Stakeholder Relations agrees with the above recommendation, the following resolution is suggested:

RESOLVED, that the Board Committee on Stakeholder Relations recommends that the Board of Governors adopt the following Resolution

WHEREAS mediation is a dispute resolution process in which a neutral third person facilitates communication between the parties to a dispute to help them reach a mutually acceptable agreement;

WHEREAS for more than 30 years, California community dispute resolution organizations have used mediation to resolve countless disputes and have been instrumental in the development and operation of mediation programs;

WHEREAS for more than 25 years, California trial and appellate courts have increasingly encouraged, offered, and provided mediation to assist litigants in resolving a broad array of disputes, including civil, family, juvenile, and criminal matters;

WHEREAS mediation offers many potential benefits to litigants, the courts, and the public, including increasing the participants' satisfaction with the dispute resolution process and outcome, while reducing pretrial motions and trials, the time from the filing of an action to disposition, future disputes between the parties, recidivism, litigants' costs, and court workloads;

WHEREAS the availability and success of court mediation programs are largely attributable to the efforts of judicial officers, court staff, and justice partners, including community dispute resolution organizations, local government agencies, state and local bar associations, mediation organizations, and individual mediators, many of whom contribute significant time and resources toward conducting mediations;

WHEREAS widespread public awareness of the nature, availability, and benefits of mediation and court mediation programs is important to ensuring the use of these programs and access to justice; and

WHEREAS the Governor and other California state and local officials and agencies traditionally recognize the third week of March as Mediation Week;

NOW, THEREFORE, BE IT RESOLVED that the Board of Governors of the State Bar of California recognizes the week of March 15 through 21, 2009, as Mediation Week, commends the efforts of the individuals and organizations that make mediation and mediation programs available to the citizens of California, and encourages the local bar associations to recognize those individuals and organizations, and publicize local mediation programs during Mediation Week.

PROPOSED BOARD RESOLUTION

If the Board of Governors concurs with the recommendation of the Board Committee on Stakeholder Relations, the following resolution is suggested

WHEREAS mediation is a dispute resolution process in which a neutral third person facilitates communication between the parties to a dispute to help them reach a mutually acceptable agreement;

WHEREAS for more than 30 years, California community dispute resolution organizations have used mediation to resolve countless disputes and have been instrumental in the development and operation of mediation programs;

WHEREAS for more than 25 years, California trial and appellate courts have increasingly encouraged, offered, and provided mediation to assist litigants in resolving a broad array of disputes, including civil, family, juvenile, and criminal matters;

WHEREAS mediation offers many potential benefits to litigants, the courts, and the public, including increasing the participants' satisfaction with the dispute resolution process and outcome, while reducing pretrial motions and

trials, the time from the filing of an action to disposition, future disputes between the parties, recidivism, litigants' costs, and court workloads;

WHEREAS the availability and success of court mediation programs are largely attributable to the efforts of judicial officers, court staff, and justice partners, including community dispute resolution organizations, local government agencies, state and local bar associations, mediation organizations, and individual mediators, many of whom contribute significant time and resources toward conducting mediations;

WHEREAS widespread public awareness of the nature, availability, and benefits of mediation and court mediation programs is important to ensuring the use of these programs and access to justice; and

WHEREAS the Governor and other California state and local officials and agencies traditionally recognize the third week of March as Mediation Week;

NOW, THEREFORE, BE IT RESOLVED that the Board of Governors of the State Bar of California recognizes the week of March 15 through 21, 2009, as Mediation Week, commends the efforts of the individuals and organizations that make mediation and mediation programs available to the citizens of California, and encourages the local bar associations to recognize those individuals and organizations, and publicize local mediation programs during Mediation Week.