

AGENDA ITEM

MARCH 54-164
Mediation Week
Recognition

DATE: February 20, 2007

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, in the past, the Board of Governors – have recognized the third week of March as Mediation Week. The Agenda for the Judicial Council’s February 23, 2007, meeting includes a proposed resolution recognizing Mediation Week. Staff from the Administrative Office of the Courts has contacted State Bar staff about the possibility of 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, modeled on the proposed Judicial Council resolution. Questions regarding this agenda item should be directed to Saul Bercovitch, Staff Attorney, 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 a proclamation or letter recognizing Mediation Week every year from 1993 through 2006, other than in 2000. The Senate and Assembly have issued at least one joint resolution recognizing Mediation Week, and the Assembly has issued others. The State Bar Board of Governors; 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.

This year, an ad hoc group of court alternative dispute resolution administrators is preparing a set of resource materials that courts might use to develop Mediation Week programs and activities, with the goal of increasing awareness of court mediation programs and the people who make them successful. This group suggested that judicial branch recognition of Mediation Week at the state level would be very beneficial in achieving this goal.

The Agenda for the Judicial Council's February 23, 2007, meeting includes a proposed resolution recognizing Mediation Week.* Staff from the Administrative Office of the Courts has contacted State Bar staff about the possibility of 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, modeled on the proposed Judicial Council resolution.

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 disputants to help them reach a mutually acceptable agreement;

WHEREAS, during the past 25 years, California courts have increasingly encouraged, offered, and provided mediation to assist litigants in resolving civil, family, and juvenile actions and proceedings;

* The Mediation Week report to the Judicial Council, which includes the proposed resolution, is attached hereto. As of the date of this Agenda Item, the Judicial Council resolution is still proposed, but action on the proposed resolution is set to take place on February 23, before the Board of Governors will meet in connection with this Agenda Item.

WHEREAS mediation offers many potential benefits to litigants, the courts, and the public, including increasing the interested parties' satisfaction with the litigation process and the courts and voluntary compliance with the terms of resolution, 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 the courts' justice partners, including 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 essential 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 18 through 24, 2007, as Mediation Week, commends the efforts of all those who make mediation and mediation programs available to the citizens of California, and encourages the local bar associations to recognize those individuals and publicize local mediation programs during Mediation Week.

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 disputants to help them reach a mutually acceptable agreement;

WHEREAS, during the past 25 years, California courts have increasingly encouraged, offered, and provided mediation to assist litigants in resolving civil, family, and juvenile actions and proceedings;

WHEREAS mediation offers many potential benefits to litigants, the courts, and the public, including increasing the interested parties' satisfaction with the litigation process and the courts and voluntary compliance with the

terms of resolution, 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 the courts' justice partners, including 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 essential 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 18 through 24, 2007, as Mediation Week, commends the efforts of all those who make mediation and mediation programs available to the citizens of California, and encourages the local bar associations to recognize those individuals and publicize local mediation programs during Mediation Week.