

AGENDA ITEM

MARCH 54-161
Mediation Week
Recognition

DATE: February 9, 2010

TO: Members, Board of Governors
Members, Board Committee on Legal Services, Pro Bono and Equal
Access

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. On March 12, 2009, the Judicial Council adopted a Standing Resolution recognizing 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 of Governors adopt a standing resolution recognizing the third week of March as 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.

On March 12, 2009, the Judicial Council adopted a [Standing Resolution](#) recognizing the third week of March as Mediation Week. The resolution, signed by Chief Justice Ronald M. George and Administrative Director of the Courts William C. Vickrey, recognizes the benefits and success of court mediation programs, commends the

efforts of the individuals and organizations that make mediation and mediation programs available to the citizens of California, and encourages the courts to recognize those individuals and publicize their mediation programs during 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.

FISCAL/STAFF IMPACT

None

BOARD BOOK IMPACT

None

RULE AMENDMENT IMPACT

None

RECOMMENDATION

The Board of Governors has adopted resolutions recognizing Mediation Week in prior years. The Office of Governmental Affairs now recommends that the Board of Governors adopt a standing resolution recognizing the third week of March as Mediation Week.

RESOLUTION

PROPOSED BOARD COMMITTEE RESOLUTION

If the Board Committee on Legal Services, Pro Bono and Equal Access agrees with the above recommendation, the following resolution is suggested:

RESOLVED, that the Board Committee on Legal Services, Pro Bono and Equal Access 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 decades, 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 during the past several decades, California trial and appellate courts have increasingly encouraged, offered, and provided

mediation to assist litigants in resolving a broad array of disputes filed with the courts, including civil, family, juvenile, and criminal matters;

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

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 have traditionally recognized 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 third week of every March 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 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 Legal Services, Pro Bono and Equal Access, 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 decades, 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 during the past several decades, California trial and appellate courts have increasingly encouraged, offered, and provided mediation to assist litigants in resolving a broad array of disputes filed with the courts, including civil, family, juvenile, and criminal matters;

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

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 have traditionally recognized 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 third week of every March 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 local bar associations to recognize those individuals and organizations, and publicize local mediation programs during Mediation Week.