


5-15-1987

## Recent Developments in Alternative Dispute Resolution

Lee R. Petillon

Follow this and additional works at: <http://digitalcommons.pepperdine.edu/plr>

 Part of the [Courts Commons](#), [Dispute Resolution and Arbitration Commons](#), [Legislation Commons](#), [Litigation Commons](#), and the [State and Local Government Law Commons](#)

---

### Recommended Citation

Lee R. Petillon *Recent Developments in Alternative Dispute Resolution* , 14 Pepp. L. Rev. 4 (1987)

Available at: <http://digitalcommons.pepperdine.edu/plr/vol14/iss4/15>

This Symposium is brought to you for free and open access by the School of Law at Pepperdine Digital Commons. It has been accepted for inclusion in Pepperdine Law Review by an authorized administrator of Pepperdine Digital Commons. For more information, please contact [Kevin.Miller3@pepperdine.edu](mailto:Kevin.Miller3@pepperdine.edu).

# Recent Developments in Alternative Dispute Resolution

Lee R. Petillon\*

## I. INTRODUCTION

Access to the courts may be open in principle. In practice, however, most people find their legal rights severely compromised by the cost of legal services, the baffling complications of existing rules and procedures, and the long, frustrating delays involved in bringing proceedings to a conclusion.<sup>1</sup>

Alternatives to traditional court-oriented dispute resolution have gathered substantial momentum over the past several years. Part of this momentum is due to the increased difficulty of accessing the court system, because of its relative high cost, and delay due to increasing court congestion.

In addition, increasing numbers of people recognize the value of settling a dispute by mediation, arbitration, or negotiation. The result appears easier to "live with" than a decision imposed upon the disputants by an impersonal third-party judge or arbitrator.

Accordingly, Alternative Dispute Resolution (ADR) programs are being perceived by legislatures, communities, and social scientists as a new method to make the justice system more efficient, accessible, and responsive to the needs of citizens. Such programs also recognize the trend toward people resolving their own problems rather than looking to the courts for externally imposed solutions.

Local bar associations and community groups have been instrumental in developing dispute resolution centers materially enhancing the administration of justice in California, particularly for lower and middle income groups.<sup>2</sup> The establishment of dispute resolution cen-

---

\* Petillon & Davidoff, Los Angeles, California; former Chair, Alternative Dispute Resolution Committee and Neighborhood Justice Center Committee, Los Angeles County Bar Association; former member, State Bar Task Force on Alternative Dispute Resolution, and former Chair, Standing Committee on Delivery of Legal Services to Middle Income; member, Dispute Resolution Advisory Council.

1. Bok, *A Flawed System*, HARV. MAG., May-June 1983, at 38 (the article is President Bok's 1981-82 Report to Harvard University's Board of Overseers).

2. As stated in an ABA study on alternative dispute resolution:

ters also provides an opportunity for an ongoing relationship between citizens with disputes, on the one hand, and the judiciary, prosecutors, public defenders, and social services agencies on the other hand. Dispute resolution centers can provide a more appropriate forum for the resolution of many disputes. Such centers improve access to the legal system by providing a forum in which many individuals feel more comfortable than in a courtroom due to the lack of formality, the basic appeal to common sense, and reasonable judgment afforded by ADR.

Local bar associations, in supporting the formation of new centers, insure the benefit to their respective communities by providing the dispute resolution process to persons who may not have access to the courts due to the high costs of litigation. In addition, such centers may relieve the courts of certain cases which can be more effectively handled through the ADR process. It is believed that local bar associations will bring their members into the forefront of newer techniques, improving the administration of justice.<sup>3</sup>

This article outlines some of the reasons behind the growth of ADR and analyzes this growth at both the national and state levels. The article concludes by examining the important societal benefits ADR offers over the more combative and confrontational forum of litigation.

## II. THE NEED FOR ALTERNATIVE DISPUTE RESOLUTION

In recent years, the high cost of court litigation and long delays resulting from court congestion generated considerable momentum in California and other states to develop methods of alternative dispute

---

The search for alternative methods of resolving disputes has burgeoned into "a movement." It is difficult to spot exactly when a collection of casual inquiries became a movement, but the growth from three minor dispute mediation centers in 1971 to more than 180 in 1982 [now 400, according to the ABA] indicates a significant dissatisfaction with the legal system's adversarial approach to resolving disputes. Just as importantly, the growth evidences that citizens believe there must be a simpler, more common-sense, less expensive, less time-consuming way to resolve the thousands of everyday disputes and quarrels between neighbors, friends, landlord/tenant, and family members which plague the present system.

ABA Spec. Comm. on Alternative Dispute Resolution, *Consumer Dispute Resolution: Exploring the Alternatives* 15 (1983) [hereinafter *Exploring the Alternatives*].

3. Many people have debated whether lawyers exacerbate controversy or help to prevent it from arising. Doubtless, they do some of each. But everyone must agree that law schools train their students more for conflict than for the gentler arts of reconciliation and accommodation. This emphasis is likely to serve the profession poorly. In fact, lawyers devote more time to negotiating conflicts than they spend in the library or the courtroom, and studies show that their bargaining efforts accomplish more for their clients.

Bok, *supra* note 1, at 38.

resolution. In California, total filings of civil cases rose from 407,923<sup>4</sup> to 590,573,<sup>5</sup> a 45% increase during the period 1974 through 1985. Most of this increase was in the category "other civil complaints," from 66,996<sup>6</sup> to 121,567,<sup>7</sup> an 81% increase.

There are, in the major metropolitan centers, long delays in getting to trial. For example, as of June 30, 1985, it took thirty-six months to get a trial in Los Angeles Superior Court where there was a 38,524 case backlog.<sup>8</sup> Comparable figures for San Francisco County and San Diego County are twenty-one months and sixteen months, respectively.<sup>9</sup> Further, of the 260,444 cases filed in Los Angeles County for the year ended June 30, 1985, 11.5% were disposed of after a trial with the remainder ending in settlements.<sup>10</sup>

In addition to delays, the burgeoning case load has increased the costs of operating the judicial system. California taxpayers spent \$828,560,000 in the 1985-86 fiscal year to maintain their state trial courts.<sup>11</sup> This translates into a total government cost of \$560,004<sup>12</sup> for each of the 781<sup>13</sup> superior court judicial positions, \$566,499<sup>14</sup> for each of the 644<sup>15</sup> municipal court judicial positions, and \$321,585 for each of the 82 justice court positions.<sup>16</sup> This works out, for each Superior Court, to \$2,593 per day, \$462.17 per hour, or \$7.70 per minute, of case-related court time.<sup>17</sup> The figures for municipal courts are \$2,623 per day, \$468.83 per hour, and \$7.81 per minute.<sup>18</sup>

Some social commentators believe that these increasing costs and delays result from the greater complexity of litigation today, rather than the greater number of litigated cases. In any event, a major

---

4. 1984 JUD. COUNCIL OF CALIFORNIA ANN. REP., pt. II, table T-17, at 116 [hereinafter 1984 REP.].

5. 1986 JUD. COUNCIL OF CALIFORNIA ANN. REP., pt. II, table T-17, at 122 [hereinafter 1986 REP.]. The other categories of cases were probate, family law, torts, and eminent domain.

6. 1984 REP., *supra* note 4, table T-17, at 116.

7. 1986 REP., *supra* note 5, table T-17, at 122.

8. *Id.* table T-25, at 144.

9. *Id.*

10. *Id.* table A-11, at 206.

11. 1986 REP., *supra* note 5, pt. I, attachment A-1, at 65. This represents an 11.96% increase over the \$740,075,000 spent in the 1984-85 fiscal year.

12. 1986 REP., *supra* note 5, pt. I, attachment A-3, at 67.

13. *Id.* attachment A-1, at 65.

14. *Id.* attachment A-4, at 67.

15. *Id.* attachment A-1, at 65.

16. *Id.*

17. *Id.* attachment A-3, at 67.

18. *Id.* attachment A-4, at 67.

stimulus to the greater use of ADR techniques seems to be the increased costs and time required for court-oriented dispute resolution.

### III. THE GROWTH OF ADR AT THE NATIONAL LEVEL

#### A. *Growth of Mediation Centers*

The past few years have seen a striking increase in the number of dispute settlement centers. The American Bar Association currently estimates that there are over 400 dispute resolution programs throughout the United States. This compares with 3 centers in 1971 and 180 in 1982.<sup>19</sup> Many of these projects started with seed money from the U.S. Justice Department's Law Enforcement Assistance Administration (LEAA), major national foundations, and local foundations.

#### B. *Stimulus From the Federal Government*

In 1977, the Department of Justice developed three model neighborhood justice centers, in Atlanta, Kansas City, and Los Angeles. Since 1978, the Los Angeles County Bar Association has operated the Neighborhood Justice Center (NJC), serving over 17,500 persons and mediating over 4,000 disputes.<sup>20</sup> Ninety percent of all NJC mediations have resulted in a long-term resolution of the dispute, and 97% of all disputants indicated they were very satisfied with the results.<sup>21</sup>

#### C. *Federal ADR Legislation*

In 1980, Congress passed the Dispute Resolution Act<sup>22</sup> to support further experimentation with varying approaches to alternative dispute resolution. The Act was designed to provide seed money to programs and develop a national resource center for research and technical assistance in dispute settlement. The Act was signed into law in February 1980 by the President, but there have been no appropriations because of federal budget cutbacks. The Act was to provide a total of \$45,000,000 for dispute processing innovations during a five-year period. Support for this legislation came from a broad range of groups, including the National Chamber of Commerce, Ralph Nader's Public Interest Research Group, the American Bar Association, and the National Conference of Chief Justices.

Several bills have been recently introduced in Congress encouraging the use of ADR in civil disputes. The proposed Court-Annexed

---

19. Exploring The Alternatives, *supra* note 2, at 15.

20. Interview with Lauren Burton, Executive Director of the Neighborhood Justice Center in Los Angeles (June 30, 1987).

21. *Id.*

22. 28 U.S.C. App. § 1 (1982).

Arbitration Act of 1987, H.R. 2127,<sup>23</sup> is designed to encourage prompt, informal, and inexpensive resolution of civil cases in courts by the use of arbitration. The Act requires arbitration of civil actions where up to \$100,000 in monetary relief is sought and of certain other cases.

The proposed Federal Alternative Procedure for Dispute Resolution Act of 1987, H.R. 2721,<sup>24</sup> would establish dispute resolution procedures as an alternative to litigation. Parties could contract to settle a dispute by an umpire mutually agreed upon.

The proposed Alternative Dispute Resolution Promotion Act, S. 2038,<sup>25</sup> would amend the Federal Rules of Civil Procedure to require lawyers to advise their clients of alternatives to litigation as possible means of settling disputes. Lawyers would have to file notice with the court certifying that the client was advised of alternatives to litigation.

#### IV. THE GROWTH OF ADR AT THE STATE LEVEL

##### A. *State ADR Legislation*

At the state level, legislation has been enacted in California, Florida, New York, and other states to provide confidentiality safeguards. The Texas legislature has enacted legislation to fund dispute settlement projects by increasing civil court filing fees. Massachusetts has passed legislation which mandated that mediation be available to all disputing parties filing small claims cases. In Maine, the district courts have launched a successful small claims mediation program that primarily employs retirees as mediators.

Overall, comprehensive state laws specifically on community mediation have been adopted in Colorado, New York, and Oklahoma.<sup>26</sup> Comprehensive legislation, specifically on family and divorce mediation, has been enacted in Alaska, California, Florida, Michigan, and Oregon.<sup>27</sup> Appropriation of state funds for mediation efforts have been made through the legislative process in at least half a dozen other states.<sup>28</sup> In May, 1984, Minnesota enacted a comprehensive bill establishing mediation as an alternative to litigation, including ex-

---

23. H.R. 2127, 100th Cong., 1st Sess. (1987) (the bill is currently before the Judicial Subcommittee for the Court of Civil and Administration of Justice).

24. H.R. 2721, 100th Cong., 1st Sess. (1987).

25. S. 2038, 99th Cong., 1st Sess. (1986).

26. ABA Spec. Comm. on Dispute Resolution, *Legislation on Dispute Resolution* at i (ABA Monograph Series No. 2, 1984).

27. *Id.*

28. *Id.*

tending qualified privileged status to confidential communications, making mediation settlement agreements enforceable, and tolling the statute of limitations during the mediation process. In all, some seventeen states have enacted at least nineteen laws relating to mediation.<sup>29</sup>

### B. New York Legislation

The New York Community Dispute Resolution Centers Program is in its sixth year of operation. There are forty-eight centers serving fifty-three of the sixty-two counties in New York.<sup>30</sup> For the fiscal year ending March 31, 1986, the centers handled 83,071 contacts and referrals and settled 18,541 disputes involving 60,703 persons.<sup>31</sup> There was successful resolution in 88% of the cases going to mediation.<sup>32</sup> The average state cost was \$88.87<sup>33</sup> per settled case. This figure includes the state grant and state administrative costs but not local contributions. Seventy-five percent of the conflicts were criminal matters, 18% were civil matters, and 5.5% juvenile problems.<sup>34</sup> The centers are serving people of all ages, races, educational, and income levels.<sup>35</sup>

Seventy-two percent of the cases handled by the centers were referred by the New York state courts, and about 12% by district attorneys, police, and law enforcement agencies.<sup>36</sup> On the average, cases were disposed of in fourteen days from intake to disposition and average time to resolve a dispute was eighty-four minutes.<sup>37</sup>

It is believed that some reduction of court congestion in New York has been achieved by diverting many minor criminal and civil matters to alternative dispute resolution centers.<sup>38</sup> Such resolution cen-

---

29. *Id.*

30. 1985-1986 N.Y., THE COMMUNITY DISPUTE RESOLUTION CENTER PROGRAM ANN. REP. 69 [hereinafter 1985-1986 REP.].

31. *Id.*

32. 1985-1986 REP., *supra* note 30, at 47-54.

33. *Id.*

34. *Id.*

35. In the 1986 fiscal year, complainants were 31% Black, 17.6% Hispanic, and 39.5% White; respondents were 16.8% Black, 10.9% Hispanic and 31.4% White. For the same period, 61% of complainants and 30% of respondents reporting their incomes earned less than \$16,000. 1985-1986 REP., *supra* note 31, at 47-54.

36. *Id.*

37. *Id.*

38. One New York dispute resolution program made the following comments in its annual report:

Workload statistics are indicating that the centers are relieving courts of a number of matters that do not need a formal court structure. The majority of the referrals come from the justice system and are cases that were traditionally handled by the court system in the past. The volume of cases is increasing while the cost per case to the state is only \$67. The cases are handled quickly, at no cost to the participants with a high satisfaction and compliance rate.

ters also provide societal benefits which cannot be measured in dollars, resulting from more satisfactory resolution by mediation of many small disputes between persons, particularly where there is a pre-existing relationship to preserve.<sup>39</sup>

The impact of the New York Program on the justice system is stated in the 1986 Progress Report:

A statewide network of community dispute resolution centers provides the citizen and the court with a quick, convenient, cost-effective resource that has the potential to have a major impact on the justice system in the State of New York. The dispute resolution process can reduce crime and prevent situations from escalating into serious often violent criminal matters. It can teach people to manage conflict constructively in a peaceful, effective manner. If each community has access to a dispute resolution center, individuals and groups can have a forum for dialogue and mutual understanding and satisfactory agreements.<sup>40</sup>

### C. *The Growth of ADR in California*

#### 1. California Dispute Resolution Centers

The only data available on community dispute resolution programs in California is from a 1985-86 American Bar Association Directory of Dispute Resolution Programs listing thirty-two centers throughout California. Based on sixteen centers reporting cost and caseload data to the ABA, these centers in 1985 scheduled 46,743 cases and mediated 26,383 cases, at an aggregate annual budget of \$1,640,232.<sup>41</sup> This works out to an average cost of \$62.17 per mediated case and \$35.09 per scheduled case.<sup>42</sup>

#### 2. California Legislation

On January 1, 1987, the Dispute Resolution Programs bill,<sup>43</sup> S.B. 2064, became law. This bill, which was originally introduced in 1985 and co-sponsored by the State Bar of California and the Los Angeles County Bar Association, establishes a Dispute Resolution Advisory Council. The Council will establish guidelines for a statewide system of grants to dispute resolution programs. The bill also authorized

---

1982-1983 N.Y., THE NEW YORK COMMUNITY DISPUTE RESOLUTION CENTERS PROGRAM ANN. REP. 92 [hereinafter 1982-1983 REP.].

39. See Appendix A for a summary of operations of the New York Program.

40. 1982-1983 REP., *supra* note 38, at 70.

41. See Appendix B for a summary of cost and caseload data reported by the centers.

42. *Id.*

43. S.B. 2064, Cal. Leg. 1985-86 Reg. Sess. (1986) (codified at CAL. BUS. & PROF. CODE §§ 465-471.5 (Supp. 1987)).



counties to establish programs for grants to public entities and non-profit corporations which establish or operate dispute resolution programs. County grants are funded by an increase in filing fees for complaints and answers in civil actions by between \$1 and \$3 in those counties opting-in to the state program.

The 1985 legislation was patterned after the New York Program with a statewide system of grants funded by state appropriations. However, Governor Deukmejian vetoed the 1985 bill, citing funding concerns, and stating that centers should be funded locally. The bill was reintroduced in 1986 as S.B. 2064 which added the county opt-in program to avoid another gubernatorial veto.

Several counties have already taken steps to opt-in to the program. Los Angeles County on December 23, 1986, unanimously resolved to come under S.B. 2064, and to increase filing fees in both superior and municipal courts by \$3, the maximum permitted under the state statute. San Francisco, Marin, and Contra Costa counties have also taken steps to come under the state program. The statute provides that no grants may be made except pursuant to rules and regulations adopted by the Dispute Resolution Advisory Council, which consists of seven members, five of whom were appointed by the Governor, one by the Senate Rules Committee, and one by the Speaker of the Assembly.

The bill requires the legislative analyst to make a progress report on the bill by March 1, 1988. The bill also contemplates that when and if the state assumes the responsibility for funding of trial courts, a statewide grant system using state appropriations would supplant the present legislative scheme.

A "technical amendments" bill,<sup>44</sup> S.B. 123, was enacted in early 1987 to clarify certain provisions of the bill and to require the Dispute Resolution Advisory Council to adopt temporary regulations. These regulations are to be promulgated within six months after its initial meeting (held on August 4, 1987) to allow counties to begin making grants based on such temporary regulations.

The State Department of Consumer Affairs is responsible for administering S.B. 2064 and is already beginning to work with representatives of local bar associations and county governments in implementing the state program. The Los Angeles County Bar Association is developing a plan to substantially expand its ADR activities in Los Angeles County in conjunction with Los Angeles County's opting to come under S.B. 2064.

---

44. S.B. 123, Cal. Leg. 1986-87 Reg. Sess. (1987) (amending CAL. BUS. & PROF. CODE § 465-471.5 (Supp. 1987)).

### 3. Confidentiality in Mediation

Section 1152.5 of the Evidence Code,<sup>45</sup> dealing with confidentiality in mediations, was originally proposed as part of S.B. 1215, the predecessor to S.B. 2064. The Task Force on Alternative Dispute Resolution learned that the California Law Revision Commission (CLRC) was also proposing a similar bill. The Task Force and the CLRC got together and worked out the differences in the two bills, and the resultant draft was passed and signed by Governor Deukmejian in 1985, even though its companion bill, S.B. 1215, was vetoed. The bill provides for the confidentiality of documents and other evidence used in a mediation, and protects such information from discovery in any subsequent litigation, provided that the parties have agreed to such treatment in the course of the mediation. Thus, California joins a number of other states which have recently passed such legislation.

#### *D. Other ADR Activities*

The California State Bar Legal Services Section's Standing Committee on Delivery of Legal Services to the Middle Income has an ADR subcommittee that is active in preparing two symposia on legal services to middle-income persons. The symposia will feature ADR panels, one at the ABA Convention in August, 1987 and the other at the State Bar Convention in September, 1987.

The Los Angeles County Bar Association's Dispute Resolution Services Operating Committee (DRS) is preparing an ADR directory of all dispute resolution resources in Los Angeles County. Upon publication of this directory, the Middle Income Committee will, with the assistance of the State Bar's Office of Legal Services, prepare a statewide ADR directory.

The DRS Operating Committee of the Los Angeles County Bar Association is also sponsoring an ADR conference in Los Angeles in February, 1988. This conference will be an all-day program of panel discussions and workshops to disseminate ADR methods as applied to settlement of commercial disputes. The program will be co-sponsored by the Los Angeles Chamber of Commerce, the American Arbitration Association, and other organizations devoted to alternative dispute resolution.

---

45. CAL. EVID. CODE § 1152.5 (Supp. 1987).

## V. CONCLUSION

The use of ADR has expanded considerably in recent years in California, apparently because it offers a simpler, faster, less expensive, and more satisfying way of settling many minor disputes, particularly those involving a pre-existing relationship between the disputants. With the passage of S.B. 2064, as more and more counties elect to come under the program, it is believed that this trend will continue and accelerate.

Aside from the economic benefits, ADR also offers important societal advantages. First, alternative dispute resolution programs permit greater access to our justice system, particularly for lower and middle income people who cannot afford the formal litigation process. Second, alternative dispute resolution involves local citizens who volunteer their money and time to establish dispute resolution programs, and act as volunteer mediators. Such mechanisms allow people to solve their own problems and to rely less on government for externally imposed resolutions. Third, mediation is voluntary and as such offers a more permanent and satisfactory resolution of conflicts. Mediation can also help avert the deterioration of a relationship such as those of ex-spouses, landlords and tenants, neighbors, or consumers and merchants. Finally, the settlement of potentially violent disputes can reduce the pressures on law enforcement agencies, freeing them to concentrate on more serious criminal matters.<sup>46</sup>

The San Francisco District Attorney confirmed this in a letter to Senator John Garamendi (the author of S.B. 2064):

The ability of . . . [the San Francisco Community Dispute Services Program] to handle the increased level of referrals allows the San Francisco District Attorney's office to concentrate more fully on crimes of extremely serious natures while community and family conflicts are handled in a forum better-suited than the justice systems for the permanent settlement of those disputes.<sup>47</sup>

Critics of ADR say that mediation is second class justice and that the adversary system is best. Such criticism overlooks the fact that

---

46. In the New York program, 75% of the cases settled involved minor criminal matters, many of which could have erupted into violence. Law enforcement agencies strongly support the New York program for the reason that minor dispute resolution frees up law enforcement resources for more complex and serious criminal matters. Interview with Thomas F. Christian, Director of the Community Dispute Resolution Centers Program in New York City (Mar. 1, 1986).

47. Letter from San Francisco District Attorney Arlo Smith to Senator John Garamendi (Apr. 16, 1985) (discussing San Francisco's community dispute services). A similar letter was sent by the Los Angeles District Attorney to Governor Deukmejian supporting S.B. 1215, the earlier version of S.B. 2064. Letter from Los Angeles District Attorney, Special Counsel John Lovell to Governor George Deukmejian (Sept. 16, 1985).

most people simply cannot afford lawyers or the protracted delays of litigation.

However, where the protection of a right is more important than a resolution of differences, the adversary process is the better method. For example, in landlord/tenant law where a tenant has procedural rights, he may be better protected by the formal litigation process. On the other hand, mediation, which does not exacerbate the conflict but reduces it, may offer a better long-term solution by resolving the differences between the disputants.

As Derek Bok said in his report:

Over the next generation, I predict, society's greatest opportunities will lie in tapping human inclinations toward collaboration and compromise rather than stirring our proclivities toward competition and rivalry. If lawyers are not leaders in marshaling cooperation and designing mechanisms that allow it to flourish, they will not be at the center of the most creative social experiments of our time.<sup>48</sup>

---

48. Bok, *supra* note 1, at 45.

## APPENDIX A

### STATISTICS ON NEW YORK COMMUNITY DISPUTE RESOLUTION CENTERS PROGRAM FOR FISCAL YEAR 4/1/85 - 3/31/86

<u>Conciliations</u>	<u>Mediations</u>	<u>Arbitrations</u>	<u>Total No. of Disputes Settled</u>
4,013	14,013	515	18,541

Intake of number of Cases:

83,071

Referral Source:

Courts	27,684	70.8%
D.A.'s	1,939	5.0%
Police/Sheriff	2,716	6.9%
Walk-Ins	3,061	7.8%
Other	3,694	9.5%
	<u>39,094</u>	<u>100.0%</u>

.5% of cases - Aggravated Harrassment  
 44.7% of cases - Harrassment  
 15.0% of cases - Assault

Relationship between Parties:

26.4% - Neighbors  
 20.5% - Acquaintances  
 13.5% - Landlord/Tenant  
 7.4% - Consumer/Merchant  
 5.7% - Ex-Boyfriend/Girlfriend

Type of Dispute:

75.4% - Criminal (29,483 misdemeanor cases)  
 18.3% - Civil (7,163 cases)  
 5.5% - Juvenile (2,158 cases)

Total Number of Individuals Served:

60,703 (3 persons each session)

Total Dollar Amount Awarded Per Case:

\$263.00

Days from intake to Dispute (all cases):

14 days

Average Duration of Mediation/Arbitration:

84 minutes

Percent of Cases Reaching Mediation  
Which are Successfully Resolved

88%

Estimated Average Cost per Case  
Conciliated, Mediated or Arbitrated:

\$88.87 (\$27.14 per person served)

Estimated Average Cost of all Cases  
Referred or Screened through the Dispute Resolution Process:

\$19.83

1985-1986 State Expenses

\$1,647,669

<u>Race/Ethnic of Persons Served</u>	<u>Complainant</u>	<u>Respondent</u>
Asian	1.4%	0.8%
Black	31.0%	16.8%
Hispanic	17.6%	10.9%
American Indian	0.2%	0.1%
White	39.5%	31.4%
<u>Income Levels of Persons Served</u>	<u>Complainant</u>	<u>Respondent</u>
Earn less than \$9,000	43.5%	20.7%
Earn \$9,000 to \$16,000	16.6%	9.2%
Earn \$16,000 to \$25,000	10.1%	5.8%
Earn \$25,000 to \$35,000	4.4%	2.8%
Earn \$35,000 +	3.0%	2.9%
Undetermined	22.3%	58.6%

APPENDIX B

**1985 CASELOAD AND BUDGETS OF  
CALIFORNIA NON-PROFIT DISPUTE RESOLUTION CENTERS**

Location	Name of Center	Annual Budget	Annual Caseload		Average Cost	
			Schedule of Cases	Mediated Cases	Per Scheduled Case	Per Mediated Case
Concord	Housing Alliance of Contra Costa County	\$130,000	6,300	350	\$ 20.63	\$371.42
Los Angeles	District Attorney's Hearing Officer Program	230,000	8,612	8,480	26.70	27.12
Los Angeles	L.A. City Attorney Program	63,753	20,000	19,400	3.18	3.28
Mountain View	Mountain View Tenant/Landlord Service	22,458	123	123	182.58	182.58
Palo Alto	Family Mediation Service	100,000	100	100	1,000.00	1,000.00
Pasadena	Community Dispute Resolution Center	75,000	400	380	187.50	197.36
San Jose	Consumer Affairs	150,000	12,000	2,400	12.50	62.50
San Jose	Neighborhood Mediation and Conciliation Service	12,000	2,300	750	5.21	16.00
San Jose	San Jose Housing Services	317,021	5,560	900	57.01	352.24
San Francisco	Community Dispute Services	125,000	325	175	384.61	714.28
San Rafael	Family Mediation Center of Marin County	12,000	80	80	150.00	150.00
San Rafael	Mediation Services	110,000	4,000	800	27.50	137.50
Santa Cruz	Rental Information & Mediation Service	75,000	300	150	250.00	500.00
Santa Monica	Divorcing Family Clinic	40,000	200	150	200.00	266.66
Santa Monica	Neighborhood Justice Center	45,000	700	350	64.28	128.57
Stockton	Family Court Services	160,000	655	625	244.27	256.00
	<b>TOTALS</b>	<b>\$1,640,232</b>	<b>46,743</b>	<b>26,383</b>	<b>\$ 35.09</b>	<b>\$ 62.17</b>