2010 Symposium on ADR in the Courts
Cosponsored by the American Bar Association Section of Dispute Resolution and the California Administrative Office of the Courts

Hiram W. Johnson State Building
455 Golden Gate Avenue
San Francisco, CA

10:30 am – 11:00 am
Registration and Coffee

11:00 am -12:25 pm
Welcome and Opening Plenary

Finding the Appropriate Problem Definition in Mediation - Some Proposals for Court Programs

The dominant focus on litigation analysis in court-oriented mediation sometimes means that parties miss opportunities to find outcomes and to use various mediation approaches that might better suit their needs. In this program, Leonard Riskin and Nancy Welsh will present several proposals for ways courts can encourage a broader problem definition in mediation, as set forth in their article Is That All There Is? “The Problem” in Court-Oriented Mediation, 15 Geo. Mason L. Rev. 863 (2008). Len and Nancy’s presentation will be followed by responses from, and dialogue with, mediators and program administrators from both state and federal court mediation programs.

Leonard Riskin, University of Florida, Levin College of Law, Gainesville, FL
Nancy Welsh, Penn State University, Dickinson School of Law, Carlisle, PA

12:30 pm – 1:15 pm
Informal Lunch

1:15 pm – 2:15 pm
Facilitated Large Group Discussions and Roundtables on Focused Topics
  • Federal Court ADR
    o Join colleagues who work in (or with) federal court ADR programs to discuss current challenges and issues.
  • Coping in Tough Financial Times
    o Join state and local court colleagues to discuss budgetary challenges, staff cuts, morale, and coping techniques.

2:15 – 2:30 Break

Concurrent series 1:

2:30 pm – 4:00 pm
1A The Latest Innovations in ADR Programs for Self-Represented Litigants
Two developments have transformed family courts – the dramatic increase in pro se parties and the shift from adversarial litigation toward intensive case management emphasizing ADR. This panel will share proven approaches that promote successful outcomes by empowering and supporting self-represented litigants to make informed decisions that they deem to be in their best interests.

The Early Case Management protocol and integrated ADR processes developed in Hennepin County Family Court (Minneapolis, Minnesota) reflect a highly effective empowerment model whereby pro se parties work with the court to tailor case plans. Pro se parties have access to 1) an award-winning Self-Help Center serving over 13,000 citizens annually, 2) an informational ADR skills-building workshop, and 3) Early Neutral Evaluation (ENE) processes for custody/parenting time and financial issues.

California court mediation programs have had similar successes and represent best practices around such topics as: providing much needed information for self-represented litigants, who have varying degrees of sophistication and abilities; mediating with parties across the demographic spectra of language, culture and socio-economic background; establishing, improving and maintaining sustainable court mediation programs; collaborating with self-help centers and local legal services providers to provide a continuum of services and approaches for working with self-represented litigants.

Jennifer Alcantara, San Francisco Superior Court, San Francisco, CA
Julie Bronson, Los Angeles Superior Court, Los Angeles, CA
Jim Hilbert, Center For Negotiation And Justice, St. Paul, MN
Judge Tanja K. Manrique, 4th Judicial District, Minneapolis, MN
Catherine Ward, Lake And Mendocino Superior Courts, Penngrove, CA

1B Using Technology to Optimize Court ADR Program Administration and Evaluation

Does your court’s case management system support your ADR programs? Can you select and appoint neutrals, track ADR milestones, or capture and view ADR status and results within your case management system? Can you collect qualitative exit-survey data about your ADR processes and combine it with quantitative case-flow docket information to generate ongoing, real-time performance reports without doing manual data entry? We couldn’t either, but we are now well on the way to having this ability.

As the use of ADR processes have become more prevalent in courts across the nation, systems for managing, evaluating, and improving court ADR programs have become more important. Integrating ADR functionality into the court’s case management systems and connecting it to ADR process evaluation data enhances courts’ ability to efficiently and effectively administer and improve their ADR programs. This interactive session will demonstrate the progress that California and Maryland have made in developing such systems, share lessons learned, and help you consider what might work for your court.

Julie Linkins, Maryland Mediation and Conflict Resolution Office (MACRO), Annapolis, MD
Milica Novakovic, Superior Court of California, County of San Diego, San Diego, CA
Nick White, Maryland Mediation and Conflict Resolution Office (MACRO), Annapolis, MD
Alan Wiener, Judicial Council of California, Administrative Office of the Courts, Burbank, CA

4:00 pm – 4:15 pm Break
4:15 pm – 5:45 pm
Concurrent series 2

2A  Creating or Adapting Standard Court Mediation Forms: You CAN Get the Information You Want!

Do you want to start collecting data about litigants’ experiences in your court’s mediation program but don’t know where to start? Are you currently surveying mediation participants but have no idea if you’re doing it right? This program is designed to take the guesswork out of survey creation and give you the tools you need to confidently collect reliable information from mediators and mediation participants that will help you determine how well your mediation program is functioning. It will focus on post-mediation survey forms created by the Model Form Project, a joint effort of Resolution Systems Institute and the American Bar Association Section of Dispute Resolution to develop surveys that can be adapted and used by any court, and by a collaborative group of California trial courts. The program will also provide lessons from these two efforts to create uniform mediation forms. Using these projects, the presenters will give insights and tips on both substance and process issues that arise when undertaking the effort to create post-mediation survey forms.

Susan M. Yates, Resolution Systems Institute, Chicago, IL

2B  Not All Criminal Mediation Is Created Equal: A Continuum – Restorative Justice to Case Management Mediation

More criminal cases are being mediated. Frequently, criminal mediation is characterized as being restorative justice which is a misnomer when what actually happens during the mediation is not consistent with restorative values. This session looks at mediation styles being used in criminal cases and distinguishes between those which are restorative and those which more closely resemble settlement conferences and critiques mis-characterizations. In mediating criminal cases, there are unique constitutional and ethical concerns which are outside the realm of concerns in mediating civil cases. Identifying and being aware of these issues is critical with the expansion of criminal mediation but yet personal experiences and survey results will reveal that they often are not appearing on the radar screens of those doing the cases.

Maureen Laflin, University of Idaho College of Law, Moscow, ID
Mary Ellen Reimund, Central Washington University, Des Moines, WA

6 pm – 8 pm

Reception at the 9th Circuit Court of Appeals
(this reception will be a joint reception for Symposium faculty and attendees and Committee leaders, Council members, and VIPs associated with the Section of Dispute Resolution Spring Conference)

Registration Cost: $80.00 (includes coffee break, lunch, programming, CLE credits, and Reception).

2010 Symposium Planning Committee
David Aemmer, 10th Circuit of Appeals, Denver, CO
Howard Herman, Northern District of California, San Francisco, CA
Cynthia Savage, Golden, CO

The Symposium on ADR in the Courts precedes the American Bar Association Section of Dispute Resolution Spring Conference (April 8 – 9, 2010) located at the Hyatt Regency Embarcadero in San Francisco. Court Symposium attendees are encouraged to attend the DR Section Spring Conference program which includes a strong Court ADR track as well as more than 100 sessions on other topics in the dispute resolution field. Court Symposium attendees should note that the Court Symposium is located at the California Administrative Office of the Courts, approximately one mile from the Spring Conference events at the Hyatt Embarcadero,