

**WESTERN SAN BERNARDINO COUNTY BAR ASSOCIATION
MEDIATION PROGRAM (DISPUTE UNDER \$100,000)**



**WESTERN SAN BERNARDINO COUNTY BAR ASSOCIATION
MEDIATION/SETTLEMENT PROGRAM**

Welcome to the Western San Bernardino County Bar Association (WSBCBA) Mediation/Settlement program. This service is designed to provide an effective low cost alternative dispute resolution procedure for cases involving disputes less than \$100,000.00 which are currently filed in the San Bernardino County Superior Court.

QUALIFICATIONS FOR THIS MEDIATION PROGRAM

To qualify for this program, the following must apply:

1. The case must involve a civil action with a value of less than \$100,000.00;
2. The case must be filed in the San Bernardino Superior Court;
3. Both parties must be willing to participate in the mediation; and,
4. One or both parties will contribute to the cost of the mediation.

COST TO PARTICIPATE IN THE PROGRAM:

There is a one time fee of \$150.00 per side for a represented party and \$75.00 per self-represented party, which fee is paid to the WSBCBA to offset the cost of overseeing the program. This fee may be paid equally by the parties, or it may be paid by one party on behalf of all. The mediator who handles your case is volunteering his or her time and never knows who paid the fee, so his or her participation and judgment is not influenced by the fee payment. The fee must be paid at the time of scheduling the mediation with the WSBCBA Director, and can be paid via, check, cash or credit card.

HOW TO PARTICIPATE:

1. Once you have agreed to participate in this program, complete a WSBCBA Case Information form and submit it by mail, e-mail or fax to the Director of the WSBCBA.
2. If your case is accepted for the program, you will be notified and the fee is to be paid to the Director and she will identify an available mediator and schedule the mediation date.
3. The Director of the WSBCBA will select from the list of volunteer mediators an experienced and knowledgeable attorney to serve as a mediator for your case.
4. A mutually agreeable hearing date will be set for the mediation. Consider this a firm date. If changes to the mediation date are required, you should notify the Director at least five days prior to the scheduled date.
5. The mediation will take place either at the mediator' law office, or at the WSBCBA conference rooms located at the Rancho Cucamonga Law Library.

WHAT TO EXPECT AT THE MEDIATION CONFERENCE:

1. The mediation can last as long as three hours to help you resolve your case, without further cost to the parties. If the matter exceeds three hours, the parties will each be responsible to pay

the mediator directly at an hourly rate of \$400 per hour for any additional time.

2. You are encouraged, but not required to submit a written explanation of your side of the case. You can do this formally in a brief or by just writing a letter. (Submit that written brief/letter to the Director at least five days in advance and she will make sure it is sent to the mediator.)
3. If the parties are able to work with the mediator and arrive at an agreement, the mediator will complete a settlement agreement which will be signed by all parties. If no agreement is reached, the mediator will offer his/her recommendations to the parties for a recommended future possible resolution of the matter.
4. Finally, the mediator will notify the Director of the outcome of the mediation and the Court will be sent a "Statement of Agreement or Non-agreement" concerning the outcome of the mediation.
5. If the matter reaches a resolution, the case will end with a settlement. If not, you will return to the court to proceed with your matter.

The WSBCBA designed this program to effectively, efficiently and economically help litigants with matters of less than \$100,000 to resolve their legal matters without trial. Over the years, the program has been proven to accomplish this objective. Your mediator will work hard to help find a solution to your problem and will do so fairly and objectively. If your matter does not resolve at the mediation, but later you want to re-engage in further mediation efforts, you may do so by notifying the WSBCBA Director and requesting a further mediation. There will be a second fee required for a second session.

If you have any questions regarding this program or other services offered by the WSBCBA, you can visit us online at www.wsbcbca.org,
Western San Bernardino County Bar Association Director
Telephone (909) 483-0548 | Fax (909) 483-0553
E-mail lindsay@wsbcbca.org

**WESTERN SAN BERNARDINO COUNTY BAR ASSOCIATION
MEDIATION/ SETTLEMENT PROGRAM (UNDER \$100,000)**

Full Case Name: _____ v. _____

Case Number: _____ Type of Case: _____

Assigned Department: _____

Date this case was assigned to mediation/settlement conf.: ____/____/____

OSC Return date: ____/____/____

Who is to give notice to the WSBCBA? Plaintiff _____ Defendant _____

Who is to pay the mediation fee of \$150 per side or \$75 for self-represented party?:

Jointly _____ Plaintiff _____ or Defendant _____

Identity of the Parties or their counsel:

Plaintiff's Counsel or Self-Represented:

Attorney Name or Self-Represented: _____

Address: _____

Tele: _____

Fax: _____

e-mail: _____

Name of Party represented: _____

Defendant's Counsel or Self-Represented:

Attorney Name or Self-Represented: _____

Address: _____

Tele: _____

Fax: _____

e-mail: _____

Name of Party represented: _____

If you have any dates which the parties are not available for mediation, please identify those dates:

Mediations are conducted by volunteers from the Western San Bernardino County Bar Association. To reserve a hearing date and guarantee a mediator, you must pay the mediation fee to the WSBCBA at 8409 Utica Avenue, Rancho Cucamonga, CA 91730 , and fax this form to

the WSBCBA office at (909) 483-0553 or e-mail it to lindsay@wsbcba.org. Please state on this form whether you have any calendar conflicts on any days prior to the OSC return date. Once the form has been received, a mediator will be assigned and you will receive written confirmation (Notice of Hearing via mail) of the scheduled place, time and date.

On the day of the hearing, please do the following:

1. Arrive at the assigned location at least ten minutes prior to your scheduled start time for the assigned location for the mediation.
2. It is recommended that you provide a short written brief in advance.
3. Bring the pleadings and discovery in the case to present at the hearing.
4. Be prepared to resolve the matter by having all necessary persons present to sign any settlement agreements.
5. The hearing will last up to three hours.
6. The court will be notified by the WSBCBA of the outcome of the mediation following its completion.

1 **Western San Bernardino County**
2 **Bar Association**
3 8409 Utica Avenue
4 Rancho Cucamonga, CA 91730
5 (909) 483-0548 ~ Fax: (909) 483-0553

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MEDIATION PROVIDER

SUPERIOR COURT FOR THE STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO, CENTRAL DISTRICT

_____,
Plaintiff,
vs.
_____,
Defendants.

CASE NO:
NOTICE OF MEDIATION HEARING
DATE: _____
TIME: _____
LOCATION: _____

MEDIATOR: _____

**TO ALL PARTIES, AND/OR THEIR ATTORNEYS OF RECORD AND TO THE
MEDIATION ADMINISTRATOR:**

You are hereby notified that the above-captioned matter has been set for a Mediation Hearing on the time, date and place as set forth above. Your assigned is as indicated above.

The parties are encouraged, but not required, to submit a short written confidential brief in advance of the hearing to be provided to the administrator above. (Do not file the brief with the Court.) You may fax it to the number above or submit it by e-mail to lindsay@wsbcba.org. The administrator will transmit the brief to the mediator. Please bring all pleadings and discover in the case to the hearing. Please have all necessary individuals present at the hearing to resolve the matter and sign any settlement agreement reached at the hearing.

1 If you object to the assigned mediator, you must do so within seven days of the date of this
2 notice. A new mediator will be assigned by the Mediation Administrator.

3 Following the mediation, the mediator will notify the Mediation Administrator of the outcome
4 and the Mediation Administrator will file with the court a Statement of Agreement or Non-
5 Agreement (Judicial Council form ADR-100) notifying the court of the outcome of the mediation.
6 If you resolve the matter, a written agreement will be entered at the time of the mediation.

7 DATED:

**WESTERN SAN BERNARDINO COUNTY
BAR ASSOCIATION**

8
9
10 By: _____
WSBCBA Executive Director