



WESTERN SAN BERNARDINO COUNTY
BAR ASSOCIATION

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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 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 to the program, you will be notified and the fee is to be paid to the WSBCBA. The Director will identify an available mediator and schedule the mediation date.
3. The Director of the WSBCBA will select an experienced and knowledgeable attorney from the list of volunteer mediators 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's law office, or at the WSBCBA conference rooms located at the Rancho Cucamonga Law Library. Virtual mediation is also available.

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 or mediator at least five days in advance.)
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.

DAY OF MEDIATION:

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.

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.

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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: _____

Brief description of case/subject matter:

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 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: _____

Potential dates both parties are available: _____ Hearing Type: Zoom In Person