

MEDIATION WORKS!
By Verna Adams and Kim Turner

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According to Wikipedia, mediation is a form of alternative dispute resolution which aims to assist two (or more) disputants in reaching an agreement. The particular conditions of that agreement is what the parties themselves determine, rather than accepting settlement terms imposed by a judge or other third party.

In Marin County, our court offers many opportunities for mediation as an alternative to litigation. Assisted by volunteer attorneys, mental health professionals, accountants, and others, people with disputes are brought together and solutions found. Disputes which can be mediated may involve just about anyone. Government agencies, businesses, community groups and individuals often elect to use mediation, rather than the more adversarial approaches in traditional court hearings.

In our court system, all civil, probate, and family law disputes can be mediated. Such matters include child custody and visitation, neighborhood conflicts (everything from property lines to barking dogs), inheritance issues, landlord-tenant disagreements, and more. We are proud to report that mediation in Marin is a stunning success.

For example, in 2007, our Family Court Services division offered mediation to families with custody and visitation issues in 544 cases. Many of those cases settled at that point, without ever going before a judicial officer. For those cases which did not settle, the court offered further custody and visitation mediation, staffed by a judicial officer and volunteer mediators and mental health professionals. 98% of those cases settled.

Mediation has long been part of our civil court system in Marin. Because of its recognized success, recently we expanded these services for use in probate proceedings so that parties involved in litigation relating to probate or will contests can work toward solutions that are beneficial to all. These mediation conferences are conducted by a judicial officer and two volunteer, experienced probate attorneys.

Mediation is also part of the juvenile criminal justice system. For non-violent offenders, community volunteers help bring the victim and the offender together so that restitution can be made and the young offender rehabilitated. This approach, called restorative justice, offers a proven strategy to redirect the behavior of youthful offenders who often do not consider that their crimes cause harm to real victims. It may be our best opportunity to dissuade juvenile offenders from engaging in more serious criminal activities.

These programs would not be possible without the generous participation of hundreds of volunteers. At the Marin County Bar Association meeting on March 26 we will be

recognizing 146 attorneys who have volunteered their services to those who cannot afford representation during the past year. The court also has a panel of 358 attorneys who serve on our various mediation panels.

As a direct result of this excellent work, very few civil, probate, or family law cases actually go to trial. Instead the parties find a mutually agreeable compromise solution in a process that is cheaper, quicker, and much less stressful than litigation.

In addition to all the mediation work that takes place inside the courthouse, other agencies provide mediation to all who seek it. Some local references are:

- Marin Mediation Services, 30 N. San Pedro Rd., San Rafael (415-499-7454)
- Marin County Bar Association Lawyer Referral Service, 30 N. San Pedro Rd., San Rafael (415-499-1314)
- Marin County District Attorney's Office, Consumer Protection Unit (415-499-6450)
- Legal Self-Help Center of Marin, 30 N. San Pedro Rd., San Rafael (415-492-1111)
- Department of Consumer Affairs, www.dca.ca.gov (916-574-822)

A Texas Law Review article entitled *A Glass Half Full* may have said it best. Mediation is "better [than litigation] ...more accessible and understandable to the layperson, less adversarial, expensive, and time-consuming, and more likely to produce an outcome that matches the interests of the disputants."

The Judicial Council of California has declared March 17th through 24th to be Mediation Week. Please join us in saluting the hundreds of volunteers who work tirelessly and effectively to assist the people of Marin County with all their problems, large and small.