

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MONO

ALTERNATIVE DISPUTE RESOLUTION (ADR)
INFORMATION PACKAGE

NOTICE TO PLAINTIFF(S) AND/OR CROSS-COMPLAINANT(S):

California Rules of Court - Rule 3.221 Information
about Alternative Dispute Resolution

WHAT IS ALTERNATIVE DISPUTE RESOLUTION (ADR)?

According to the California Rules of Court, Rule 3.800(1), ADR is a process, other than formal litigation, in which a neutral person or persons resolve a dispute or assist parties in resolving their dispute.

ADR is usually less formal, less expensive, and less time-consuming than a trial. ADR can also give people more opportunity to determine when and how their dispute will be resolved.

WHAT ARE THE ADVANTAGES OF USING ADR?

There can be a number of advantages to using ADR over a lawsuit. Because of these advantages, many parties choose ADR to resolve a dispute instead of litigation. ADR has even been used to resolve disputes after a trial, when the result of the trial is appealed.

ADR can save time:

A lawsuit can take years, but a dispute utilizing ADR can be resolved in a matter of months, or even weeks.

ADR can save money:

By producing quicker settlements, ADR can cut attorney's fees, expert fees and court costs that might otherwise be spent during litigation.

ADR can permit participation:

When utilizing ADR, the parties involved may have more of a chance to tell their side of the story and express their own interests and concerns. This is not always the case in the courtroom because in many cases, litigation focuses exclusively on the parties' legal rights and responsibilities.

ADR can preserve relationships:

ADR can be less adversarial and therefore a less hostile way to resolve a dispute. This can be more advantageous where parties have a relationship that they would like to preserve.

ADR can provide more control and flexibility:

Parties are able to choose the type of ADR that best suits their needs. For example, in mediation, the parties may decide how to resolve their dispute in a way that suits all of the individuals involved.

ADR can reduce stress and provide satisfaction:

In a trial, there is typically a winner and a loser. This loser is likely to be unhappy, and even the winner, after possible years of litigation, may not be satisfied with the outcome. ADR can be easier for the parties' mental state and can help the parties find win-win solutions and achieve their real goals. This, along with ADR's other

potential advantages, may increase the parties' overall satisfaction with both the dispute resolution process and it's outcome.

WHAT ARE THE DISADVANTAGES OF USING ADR?

There can be disadvantages of using ADR as opposed to litigation.

ADR may not be suitable for every type of dispute:

ADR may not be effective if it takes place before the parties have sufficient information to resolve the dispute. This is because there is generally less of an opportunity to find out about the other side's case during ADR in contrast to litigation.

ADR does not provide for the same protections as the litigation process:

If an ADR is binding, the parties normally give up most court protections, including a decision by a judge or jury under the formal rules of evidence and procedure, and review for legal error by an appellate court.

ADR does not always settle a dispute:

If a dispute is unresolvable utilizing ADR, the parties may have to put both time and money into both ADR and litigation.

There still are fees and costs to be collected:

The neutral individual may charge a fee for his or her services, and if the parties have an attorney, fees are still to be collected unless otherwise determined by that attorney. There may also be other court costs to be collected during the ADR process.

WHERE CAN I GO FOR MORE INFORMATION?

Contact the California Department of Consumer Affairs, Consumer Information Center, toll free at 1-800-852- 5210

Look in the telephone directories under "Arbitrators" or "Mediators"

Refer to the following websites for additional general ADR information:

- American Arbitration Association o
www.adr.org
- International Mediation Institute
o www.imimmediation.org
- Mediate
o www.mediate.com
- California Courts Online Self-Help Center
o www.courtinfo.ca.gov/selfshlp
- Mono County Superior Court Website
o www.mono.courts.ca.gov

EXCERPT OF LOCAL RULES AND NOTICE

CHAPTER 6

COURT REPORTERS

RULE 6.1 The court shall provide a court reporter in all matters statutorily required (felony criminal proceedings, juvenile proceedings, etc.). For Law and Motion calendars, the court may provide a court reporter if the court has sufficient funding. On or before August 31 of each year, the court will make a determination if the court has sufficient funding. The court will publicize that determination in accordance with California Rule of Court 2.956.

(Effective July 1, 2001; amended effective date of July 1, 2017)

RULE 6.2 In accordance with Gov. Code §68086 and California Rule of Court Rule 2.956, when a party requests a court reporter and the reporter is not required by the foregoing rule or by statute to report the court proceeding, such party shall provide and pay for a certified court reporter approved by the court.

(Effective July 1, 2001; amended effective date of July 1, 2017)

RULE 6.3 All civil proceedings where the court provides a reporter, including family law proceedings of less than one hour in duration will be reported without cost to any party. A fee for reporting services will be charged for all matters lasting more than one hour.

(Effective July 1, 2001)

RULE 6.4 Any party requesting a transcript in any civil proceeding, including family law proceedings, shall order from and pay for such transcript directly with the court reporter.

(Effective July 1, 2001)

NOTICE REGARDING TELEPHONIC APPEARANCES

Pursuant to Rule 3.670 of the California Rules of Court (CRC), the following information is provided to explain how parties can appear by telephone in civil cases as defined in CRC 1.6, unlawful detainers and probate proceedings. "Parties" are any persons "appearing in an action." See CRC 1.6(15) for a detailed explanation of who are "parties."

- A party may appear by telephone for all case conferences, hearings and other proceedings as set forth in section (c) of CRC 3.670 unless a personal appearance is required by law pursuant to CRC 3.670 (c) or by the discretion of the court pursuant to CRC 3.670 (f) or (g).
- To appear by telephone, a party must provide proper notice to the court and to all other parties at least two (2) days before the appearance as set forth in CRC 3.670(h).
- The court has designated the following private vendor to coordinate and provide telephonic appearances:

COURTCALL, LLC
6383 Arizona Circle Los
Angeles, CA 90045
(888) 882-6878
(888) 88-COURT

- CourtCall, LLC, shall charge parties its usual and customary fees for coordinating and providing telephonic appearances.
- For questions regarding telephonic appearances, please call the Mono County Superior Court at (760) 924-5444 or email at mono.civil@monocourt.org.