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May 29, 2015

The Honorable Mark Stone, Chair
Assembly Judiciary Committee
Attention: Alison Merrilees, Chief Counsel

Via e-mail: Alison.Merrilees@asm.ca.gov

Dear Assembly Member Stone:

I write to you on behalf of the Southern California Mediation Association (SCMA) in reference to AB 1123.

Founded in 1989, the SCMA is the premier organization in Southern California dedicated to promoting excellence in the practice of mediation. We are an organization of more than three hundred individuals, many of whom lead, work for, or were trained by and volunteer for community dispute resolution centers funded by the Dispute Resolution Programs Act ("DRPA").

Community dispute resolution programs provide effective dispute resolution services to Californians who cannot otherwise afford to access to the legal system. These programs offer their dispute resolution services in many languages to diverse communities throughout California. They help disputants resolve conflicts without the need of ever filing an action in court. These organizations also train and mentor thousands of mediators, peacemakers, and dispute resolution professionals throughout the state of California.

Mediation plays an important role in assisting the courts with the resolution of disputes that currently overwhelm the courts' resources. Many courts administer their own alternative dispute resolution programs, and the SCMA encourages the use of mediation in the courts. Mediation has also been shown in many cases to provide litigants with greater satisfaction and a greater chance to be heard, than other available court procedures. DRPA funding has been available and should continue to be available to support mediation programs in the courts as well as in community programs that operate outside of the courts.

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We understand that the purpose of AB 1123 is to clarify the authority of those counties that currently contract with the courts to administer DRPA programs in accordance with the statute. However AB 1123, as it is drafted, creates a potential conflict of interest to the extent courts may prefer their own programs to those operated by community organizations. Therefore, if the statute is to be amended to authorize court administration of DRPA funds, that amendment should also make clear that the courts should maintain funding for community based mediation services and provide adequate safeguards to prevent any actual or apparent conflicts of interests.

Sincerely,

Robyn Weinstein
Wendy Forrester
Joseph Markowitz