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TO: MEMBERS, ASSEMBLY JUDICIARY COMMITTEE
FROM: DOUG NOLL, 2012 CDRC PRESIDENT
RE: SB 491 (EVANS) – SUPPORT, SET FOR HEARING: 7.3.12
DATE: JUNE 28, 2012

On behalf of CDRC, I write to you regarding our SUPPORT position for SB 491, which voids any term in a contract of adhesion purporting to waive the right to join or consolidate claims, or to bring a claim as a representative member of a class or in a private attorney general capacity. CDRC was organized in 1994 to advocate for fair, accessible, and effective alternate dispute resolution processes before the legislature, state, and administrative agencies, and the courts. The membership of CDRC consists of several hundred ADR neutrals, together with community dispute resolution organizations and providers of ADR services which, taken together, represent more than 15,000 mediators and arbitrators in California. CDRC positions do not represent the views of any individual member.

As a consequence of the decision in *AT&T Mobility LLC v Concepcion*, 131 S. Ct. 1740, 179 L. Ed. 2d 742 (2011), class action waivers in arbitration contracts are no longer considered to be unconscionable and may be enforced. One of the guiding principles of CDRC is that arbitration be a voluntary process. Class action waivers in adhesive arbitration contracts are normally imposed on the weaker party and are not the result of negotiation. CDRC believes that such waivers, whether they appear in contracts requiring arbitration or litigation of disputes, should not be imposed on the weaker party and consequently we support the bill.

For the reasons stated above, the CDRC supports SB 491 and respectfully requests your AYE vote. For any questions or concerns, please contact our Sacramento lobbyist Donne Brownsey at 916.448.1222. Thank you.

CC: Senator Noreen Evans

