

Officers

Charles Pereyra-Suarez
President

Paul Dubow
Past President
Secretary

Hon. Philip Saeta
Treasurer

Board of Directors

Paul Burns
San Diego

Hon. Richard Flier
San Francisco

Hon. James Lambden
San Francisco

James Madison
Past President
Menlo Park

Hon. James Marchiano
Lafayette

Michael Powell
Past President
Los Angeles

John Warnlof
Past President
Walnut Creek

Daniel Yamshon
Sacramento

Christine Page
Los Angeles

Barbara Reeves
Los Angeles

Phyllis Cheng
Los Angeles



June 26, 2018

The Honorable Mark Stone
Room 3146 State Capitol
Sacramento, CA 94249

Re: SB 954

Dear Assembly member Stone:

On behalf of the California Dispute Resolution Council (CDRC), I write to you in support of SB 954.

The CDRC was organized in 1994 to advocate for fair, accessible, and effective alternate dispute resolution processes before the legislature, state administrative agencies, and the courts. The membership of CDRC consists of individual 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.

For more than five years, the California Law Revision Commission studied whether there should be an exception to mediation confidentiality to permit the admissibility of otherwise confidential mediation communications where mediation participant asserted a claim of malpractice against his or her attorney. A frequent complaint was that mediation participants were generally unaware of the confidentiality restrictions set forth in Evidence Code Section 1119 and specifically were not aware that communications between an attorney and his or her client could not be used by a client to support a claim of malpractice against the client's attorney related to the mediation.

SB 954 requires that an attorney disclose to the client Section 1119's restrictions and that the client acknowledge that such disclosure has been made and that the client understands the restrictions. CDRC supports SB 954.

Very truly yours,

Paul DuBow

Paul DuBow
Chair, Legislative Committee

CDRC Administration

800 Wilshire Blvd., Suite 1200, Los Angeles, California 90017
Tel: 213-629-5700, Ext. 361 cpereyra@cplslawfirm.com www.cdrc.net