

Officers

Michael R. Powell
President

Robert Flack
President-Elect

John Warnlof
Secretary

Charles Pereyra-Suarez
Treasurer

Paul Dubow
Director-at-Large
Past President

James Madison
Director-at-Large
Past President

2015 Board of Directors

Daniel Ben-Zvi
Los Angeles

Gordon Binder
Pasadena

Paul Burns
San Diego

Alfonso Clarke
Santa Ana

Hon. Warren Conklin
Atascadero

Linda Miller
San Marino

Doug Noll, Past President
Clovis

Barbara Proctor
Concord

Hon. Philip Saeta
Los Angeles

Eric van Ginkel
Los Angeles

Daniel Yamshon
Sacramento

Hon. John Zebrowski
Los Angeles

Maurice Zilber, Past President
San Anselmo



May 14, 2015

Re: AB1123

Dear Assemblyman Mayes:

I am authorized to and write in opposition to AB1123 on behalf of the California Dispute Resolution Council.

The CDRC is a nonprofit membership corporation which, since its organization in 1994, has been devoted to advocating for fair, accessible and effective alternative dispute resolution processes before the Legislature, state administrative agencies and the courts. The membership of the CDRC consists of ADR neutrals, both arbitrators and mediators, as well as community dispute resolution agencies and ADR providers.

Although the CDRC was not formed until after the Dispute Resolution Programs Act had been enacted in 1986, it has been steadfast since its organization in support and defense of the Act and the community dispute resolution agencies organized to deliver services pursuant to the Act.

The crucial feature of DRPA is that it was intended to provide funding for resolution of disputes outside the court system. According to the legislative findings at the time, "greater use of alternatives to the courts . . . should be encouraged." The Act provided for County Boards of Supervisors to receive DRPA revenues derived from a portion of court filing fees and to make grants to appropriate community agencies from such funding. The premise of using court filing fees as a source of funding was that resolution of disputes without resort to the judicial system would relieve the courts from having to cope with disputes that were better served by other processes.

To provide for courts to administer DRPA revenues would represent a fundamental policy change. Even if courts were to continue making grants to community agencies, the agencies would become components of the judicial system instead of alternatives. Such a fundamental policy change, which the CDRC believes would not be advisable, should in any event not be made without a full debate in which the Legislature hears from all stakeholders, including community dispute resolution agencies, volunteers who deliver their services and members of the public who benefit from the services.

The courts undoubtedly merit additional funding in order adequately to serve the public's needs. However, that funding should be provided directly by appropriations to the judicial system and not be diverting DRPA revenues to fund court-sponsored mediation programs.

Sincerely,

A handwritten signature in blue ink that reads 'Michael R. Powell'.

Michael R. Powell

CDRC Administration

725 S. Figueroa St., Suite 400, Los Angeles, CA 90017
Ph: 1-213-622-6619 Fax: 1-213-623-9134 cdrc@mediate.com www.cdrc.net