

SUPERIOR COURT OF CALIFORNIA, COUNTY OF NEVADA

ALTERNATIVE DISPUTE RESOLUTION

INFORMATION SHEET



Many cases can be resolved to the satisfaction of all parties without the necessity of traditional litigation, which can be expensive, time consuming, and stressful. The Court finds that it is in the best interest of the parties that they participate in alternatives to traditional litigation, including arbitration or mediation. Therefore, all matters shall be referred to an appropriate form of Alternative Dispute Resolution (ADR) before they are set for trial, unless there is good cause to dispense with the ADR requirement.

What is ADR?

ADR is the general term for a wide variety of dispute resolution processes that are alternatives to litigation. Types of ADR processes include mediation, arbitration and settlement conferences, among other forms.

What are the advantages of choosing ADR instead of litigation?

- **ADR can save time.** A dispute can be resolved in a matter of months, or even weeks, while litigation can take years.
- **ADR can save money.** Attorneys' fees, court costs, and expert fees can be reduced or avoided altogether.
- **ADR provides more participation.** Parties have more opportunities with ADR to express their interest and concerns, instead of focusing exclusively on legal rights.
- **ADR provides more control and flexibility.** Parties can choose the ADR process that is most likely to bring a satisfactory resolution to their dispute.
- **ADR can reduce stress.** ADR encourages cooperation and communication, while discouraging the adversarial atmosphere of litigation. Surveys of parties who have participated in an ADR process have found much greater satisfaction than with parties who have gone through litigation.

What are the main forms of ADR offered by the Court?

- **Mediation** is an informal, confidential process in which a neutral party (the mediator) assists the parties in understanding their own interests, the interests of the other parties, and the practical and legal realities they all face. The mediator then helps the parties to explore options and arrive at a mutual acceptable resolution of the dispute. The mediator does not decide the dispute, the parties do.

Mediation may be appropriate when:

- The parties want a non- adversary procedure;
 - The parties have a continuing business or personal relationship;
 - Communication problems are interfering with a resolution;
 - There is an emotional element involved;
 - The parties are interested in an injunction, consent decree, or other form of equitable relief.
- **Arbitration** is normally an informal process in which the neutral (the arbitrator) decides the dispute after hearing the evidence and arguments of the parties. The parties can agree to binding or non-binding arbitration. Binding arbitration is designed to give the parties a resolution of their

dispute when they cannot agree between themselves or with a mediator. If the arbitration is non-binding, any party can reject the arbitrator's decision and request a trial.

Arbitration may be appropriate when:

- The action is for personal injury, property damage, or breach of contract;
- Only monetary damages are sought;
- Witness testimony, under oath, is desired;
- An advisory opinion is sought from an experienced litigator (if a non-binding arbitration).

ADR PROCEDURES FOR THE NEVADA COUNTY SUPERIOR COURT

1. Upon filing a complaint, the plaintiff will receive this information sheet from the Superior Court Clerk. **Plaintiff is expected to include this information sheet at the time of service of the complaint on the defendant.**
2. All parties to the dispute may voluntarily agree to take the matter to an ADR process. A stipulation is attached. Parties choose and contact their own ADR provider. The Court does maintain a list of potential ADR providers on the website at www.nevada.courts.ca.gov.
3. An initial Case Management Conference will be scheduled within 120 days of filing the Complaint. **An original Case Management Conference Statement must be filed with the clerk no later than 15 days before the scheduled Case Management Conference.** The assigned Judge will strongly encourage all parties and their counsel to consider and utilize ADR procedures.
4. **If the parties voluntarily agree to ADR**, the parties will be required to sign a **Stipulation and Order to ADR**. The form is included with this packet and can also be found on the court's website, www.nevada.courts.ca.gov.
5. Any ADR services shall be paid for by the parties pursuant to a separate ADR fee agreement. The Judge or Arbitration Administrator may screen appropriate cases for a pro bono/modest means referral when a party is income eligible.