



ADR Committee Announces 2013 Awards

Magistrate Judge Valerie P. Cooke, chair of the Ninth Circuit ADR Committee, recently announced the 2013 award recipients. The Ninth Circuit ADR Education Award was presented to University of the Pacific, McGeorge School of Law, and the Robert F. Peckham Award for ADR Excellence went to Susie Boring-Headlee, ADR coordinator for the District of Idaho.

ADR Education Award

McGeorge Law School has a long history of promoting education in alternative dispute resolution. The law school's Center for Advocacy and Dispute Resolution offers a full spectrum of dispute resolution course work, including mediation, negotiation and online dispute resolution strategies. Over the past three years, the law school's dispute resolution program has made significant contributions to the Sacramento community through two unique mediation programs: the Prisoner Civil Rights Mediation Clinic and the Housing Mediation Clinic. Professors Michael Colatrella, Jr., and Dorothy S. Landsberg supervise



Professors Michael Colatrella, Jr., and Dorothy Landsberg supervise the McGeorge Law School mediation clinics.

the mediation clinics. Their work provides a public-private partnership model for other legal institutions, as well as mediation training for the clinical students.

The Pacific McGeorge Housing Mediation Clinic was created in 2009 through a grant from the

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ADR Expertise Leads Judge Back to Brazil

More than 40 years ago, I had the good fortune to spend a summer in Brazil as an exchange student. Coming from a small town in upstate New York, it was an experience that changed my life forever. I stayed in São Paulo, hosted by a wonderful family with whom I remain very close to this day. I loved everything I learned of the country and its people and always dreamed of returning. As the years passed, I began to wonder if I would ever get back to Brazil.



Jan Adler is a magistrate judge in the Southern District of California and an ADR committee member

Then, in October 2012, I was asked to participate in a program about practice in federal court for a group of Brazilian lawyers and judges visiting San Diego. At the end of the program, I told the group I had been to Brazil many years ago. I was subsequently asked to speak to several more groups of Brazilian lawyers and judges, and each time I told them about my summer in Brazil, much to their delight.

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After my fourth such presentation, I was asked if I had ever gone back to Brazil. It was then that Carla McEwen, a native Brazilian who runs the Legal Education Exchange Program that brings these lawyers and judges to San Diego, surprised me by saying she and her colleagues in Brazil wanted me to return there to speak at a legal conference about mediation. I could not believe what I was hearing!



Judge Adler with the Brazilian Constitution.

In May of this year, I traveled to Brasília, the capital of Brazil, a city of over 2 ½ million people. Brazil is one of the most litigious countries in the world. There is very little mediation in the country and virtually every legal dispute goes to trial. Brazil adopted its seventh constitution in 1988. The current constitution accords the citizens so many rights it is the size of a novel. The result is a judicial system literally overwhelmed by the sheer magnitude and duration of the cases it must process.

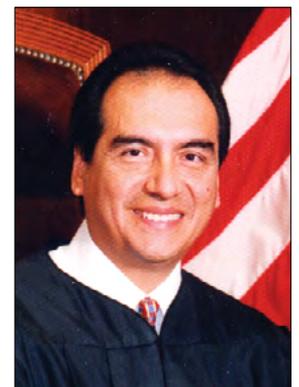
It was against this background that I was asked to speak at the First International Seminar on Mediation and Arbitration at Centro Universitário de Brasília, or UniCEUB for short. I was part of a distinguished lineup of judges and lawyers addressing the critical need for mediation in the country. I used my time to explain how our country faced a similar crisis in the 1960s and 1970s, with an enormous caseload and growing dissatisfaction on the part of litigants, lawyers and judges. Solutions were proposed, leading eventually to

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ADR Committee Bids Farewell to the Chair

Members of the ADR Committee said good bye to the outgoing chair, Magistrate Judge Valerie Cooke, whose term ends in September of 2013 after four years of service. Under Judge Cooke's leadership, the ADR Committee created a strategic plan that offered direct assistance to district courts in the following ways: creating a strike force of volunteer judges and mediators to conduct ADR proceedings in civil and criminal cases for high caseload district courts; consulting with courts on the creation of reentry court programs; consulting with courts on the use of mediation in criminal cases; and publishing a quarterly newsletter, highlighting new uses of ADR in district courts. The ADR Committee was able to assist three district courts convene Settlement Weeks and organized a training for reentry court teams at Stanford University. Judge Cooke's pragmatic and unflagging approach to assisting district courts with ADR and reentry programs leaves a vigorous legacy on which the next ADR Committee chair can build.

District Judge Ricardo S. Martinez has been appointed the new chair of the ADR Committee. Judge Martinez became a district court judge in the Western District of Washington in 2004. Prior to his appointment to the district court, he served as a magistrate judge for six years, and as a Washington Superior Court judge (King County) for 10 years. During this time he conducted numerous settlement conferences in civil cases and became interested in conducting settlement conferences in criminal cases. Judge Martinez has also gained expertise in reentry court programs during his tenure on the bench and is now conducting a pilot, pre-trial diversion program in his district. The ADR Committee will have its first meeting with the new chair in November 2013. ●



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California Sargent Shriver Civil Counsel Act and provides student mediators for unlawful detainer and eviction actions. The law school formed a collaboration between the Sacramento Superior Court and Legal Services of Northern California. The clinic provides free mediation services for low-income parties, and Legal Services of Northern California provides the low-income parties with pro bono, limited assistance attorneys for the mediation sessions.

Students in the clinic attend a weekly seminar taught by the supervising attorney-mediator Pauline Nguyen. Students schedule hours at the Housing Mediation Center, located across the street from the Sacramento landlord-tenant court. Training at the center includes participation in mock mediation sessions, observing housing mediation sessions, and co-mediating housing cases. Students are given progressively more responsibility for conducting mediation sessions by the end of the semester.

The Prisoner Civil Rights Mediation Clinic includes law students who have completed an ADR course and maintain a strong academic record. The students are trained in interviewing skills and the law of Section 1983 prison condition claims. It is often the initial interview with the students that facilitates a resolution of the case; the prisoner feels his concerns have been taken seriously and listened to with respect.

One clinic student observed: "The mediation clinic has been the highlight of my past year. The clinic has given me good solid mediation experience, and I have grown personally and professionally." Another student explained, "The clinic pushed me to not only improve my patience with often stubborn parties to a case, but to also build empathy with both parties in order to see where the real value of the case lies with both sides."

The ADR Committee of the Ninth Circuit is pleased to acknowledge McGeorge Law School's contribution in promoting alternative dispute resolution in its law school curriculum. It is heartening to see the next generation of mediators being prepared in the housing and prisoner mediation clinical programs.

Robert F. Peckham Award

The 2013 Peckham Award recognizes the outstanding work of Susie Boring-Headlee in administering the District of Idaho's ADR Program. Ms. Boring-Headlee has served as the ADR coordinator in Idaho for the past four years, and she brought strong organizational skills to her work. She immediately set to work organizing the district court's data pertaining to all ADR options. She collaborated with the district's information technology staff to create new electronic case filing, or ECF, dictionary events, flags, and codes. The ECF changes streamlined the collection and management of ADR deadlines and other activities. The enhanced data collection efforts assisted the District of Idaho in its bid to receive robust program designation from the AO.



When the AO began work on a new District Court Work Measurement Formula, Ms. Boring-Headlee played a national role in assisting with formulas for tracking and evaluating a court-annexed ADR program. In 2012 she was appointed to the Federal Judicial Center's ADR Study Group. The study group was formed after the Judicial Conference of the U.S. committees on Resources, and Court Administration and Case Management requested an analysis of the costs, benefits, and effectiveness of ADR programs in the federal district courts. The study group will provide guidance to the national committees in determining best practices for court-annexed ADR programs and future funding recommendations.

Ms. Boring-Headlee also encourages the use of ADR through participating in educational outreach in both the state and federal courts in Idaho. For example, she has participated in panel discussions on court-annexed ADR programs at workshops for magistrate judges and state court judges. She organized a mediation training for the panel of mediators in the District of Idaho in conjunction

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with Professor Maureen E. Laflin, director of clinical programs and director of the Northwest Institute of Dispute Resolution at the University of Idaho, College of Law.

Ms. Boring-Headlee also has worked with the Idaho Board of Judges to expand the use of private panel mediators as a way to supplement the settlement conferences offered in the district, and she assisted the Ninth Circuit ADR Committee with Settlement Weeks, convened in all of the District of Idaho's federal courthouses.

The ADR Committee applauds Ms. Boring-Headlee's dedication to expanding the use of ADR, creating enhanced data gathering mechanisms, and providing educational opportunities for ADR providers. Her work demonstrates excellence in the field of alternative dispute resolution. ●

ADR Committee Members

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Jonathan L. Wolff, *Esq.,*
Senior Assistant Attorney General, CA

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the adoption of the Civil Justice Reform Act of 1990 and the ADR Act of 1998.

I noted that mediation and other ADR processes had become ingrained in our legal system and suggested this evolution could take place in Brazil. I sought to emphasize the many benefits of mediation and discussed the ADR programs being utilized in various federal courts. I concluded by presenting real-life examples of the diverse cases in which mediation has enabled parties to resolve their disputes.

While in Brazil, I was taken on a tour of several tribunals in Brasília, including the Supreme Court, where I met several justices and was given an English language version of the Constitution. I visited a school for judges and participated in a discussion filmed for Brazilian Court TV about the need for mediation. I also visited a new tribunal where mediation and conciliation are offered for parties to consumer disputes.

On my last night in Brasília, I was treated to a wonderful dinner attended by two Supreme Court justices, the chief deputy of the U.S. embassy, the head of UniCEUB who sponsored my trip, and many other friends I made during my visit. As I thanked my hosts for their warmth and hospitality, I told them I hoped it would not take me another 40 years to return to Brazil! ●

Committee Website and Newsletter Archive

www.ce9.uscourts.gov/committees/adr/



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