

Governor takes steps to boost statewide dispute plan

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SACRAMENTO — In an effort to launch a statewide dispute resolution program to cut court congestion and litigation costs, Gov. George Deukmejian has appointed an advisory council and signed technical legislation.

Deukmejian on Monday signed a bill, SB 123, by Sen. John Garamendi, D-Walnut Grove, that took effect immediately. The measure will help counties start dispute resolution systems with a \$1 to \$3 surcharge on civil filings in municipal and superior courts.

The law made technical changes in legislation passed last year, Garamendi's SB 2064, which allowed counties to establish local programs.

The governor also has completed appointments to the

statewide Dispute Resolution Advisory Council, which is required under the urgency legislation to adopt regulations for the programs within six months.

Under the 1986 legislation, the seven-member council includes five members appointed by the governor and one each by the speaker of the Assembly and the Senate Rules Committee. Four of the appointees must be members of the State Bar of California, and four must have at least two years experience in a dispute resolution program.

The new appointees include two from the San Francisco Bay Area:

- Michael Goldstein, director of California Community Dispute Services in San Francisco and a non-lawyer.

- Larry Rosenthal, a clerk to California Supreme Court Justice

Marcus Kaufman and chairman of the California Young Lawyers' dispute resolution committee.

Goldstein was appointed by Assembly Speaker Willie Brown, and Rosenthal by Deukmejian.

Also appointed to the advisory council by the governor were: Charles G. Bakaly Jr. of O'Melveny & Myers in Los Angeles; Patricia Eckert of Dalton & Godfrey in Los Angeles; Lloyd Lowery, a professor at Pepperdine Law School; and T. Cole Williams, a member of the board of directors of the dispute resolution program in Pasadena. The Senate Rules Committee appointment is Lee R. Petillon of Pettillon & Murray in Los Angeles.

The council is expected to meet within the next month to begin devising guidelines for the counties in setting up dispute resolution

programs. The urgency legislation requires that the counties put the filing fees in a special fund.

Masako Dolan, a consultant to Garamendi, said approximately 25 local programs exist around the state, and many are operating "on a shoestring," with foundation funding and sometimes with local government funding. She said the intent of the legislation is to "reduce court costs over the long term" by resolving disputes short of court action.

She said "certain kinds of disputes" are particularly amenable to out-of-court resolution.

Mary Alice Coleman, staff counsel with the state Department of Consumer Affairs, which will administer the program at the state level, said several counties, including San Francisco, Contra

Costa and Marin, have already adopted dispute resolution programs. Other counties considering programs are San Mateo, Alameda and Santa Clara.

She said other counties are expected to follow suit now that urgency legislation requiring prompt adoption of regulations has been passed.

The urgency legislation also allows rural counties with limited resources to form cooperative dispute resolution programs, sharing limited funding and utilizing a kind of "traveling circuit judge" concept in resolving disputes.

Coleman, who is also a member of the city of Davis Planning Commission, said the process lends itself to "a whole gamut of disputes, some that turn on the law and some that don't."

"Often it's just a communication

problem rather than a fact dispute," Coleman said.

Legislation to establish statewide system of dispute resolution centers was introduced the Legislature for three years running, Coleman said, and governor vetoed the first two which carried general fund appropriations.

Experts in dispute resolution programs say they can save hundreds by avoiding costly litigation. With early intervention a minor dispute can be prevented from taking a more serious, even dangerous, turn.

Coleman said a recent Pasadena study that measured small claim matters handled through dispute resolution "extrapolated a phenomenal savings" to the cost system.