

D.C. Trial Court Launches ADR Project For Large Civil Cases



As part of an ongoing alternative dispute resolution initiative, the trial court in the District of Columbia has embarked on a

project to resolve large civil suits with a variety of ADR techniques, including summary jury trials, mini-trials and mediation.

The suits targeted for the plan are "the most complex cases—those with the largest number of parties and the highest dollar amounts at issue," said Linda Finkelstein, the director of the ongoing project and the trial court's director of the Division of Research, Evaluation and Special Projects.

The new initiative is "an effort to get the judges in Civil 1 to use ADR," said Ms. Finkelstein, referring to the section of the D.C. Superior Court where complex cases are heard. Toward that end, the judges received ADR materials, heard U.S. District Judge Richard Enslen explain the summary jury trial (SJT), and saw an SJT videotape as well as one on the mini-trial recently produced by the Center for Public Resources.

The effects were not long in coming. "We have a number of summary jury trials scheduled," said Ms. Finkelstein, "as well as a mediation of a major civil case." The court is also considering installing an early neutral evaluation program, in which an experienced, neutral lawyer gives litigants a frank assessment of their case early in the litigation. That ADR approach is now in use in the federal court in San Francisco. (*Alternatives*, Special Issue 1985.)

Multi-Door Experiment

This large-case ADR effort is part of the ongoing Multi-Door Courthouse experiment, an ABA initiative in which three trial courts—in Tulsa, Houston, and Washington, D.C.—offer at one location a wide range of ADR services for a variety of disputes. The ABA project,

based on a theory developed by Harvard Law School Prof. Frank E.A. Sander, began about a year and a half ago.

The complex-suit ADR initiative, called the Accelerated Resolution of Major Civil Disputes, is part of Phase II of the D.C. court's Multi-Door experiment. For the D.C. court and the two other multi-door sites, Phase I involved the opening of intake operations.

At the D.C. site, Phase II will include three other ADR efforts besides the major-suit initiative. One, said Ms. Finkelstein, is a mandatory arbitration experiment, in which 200 to 400 me-

dium-size civil cases will randomly be sent to non-binding arbitration "to see if it is a sensible alternative to use on a permanent basis," she said. The rules of procedure for that experiment are now being developed, she added.

Other Initiatives

The other segments of Phase II are a mediation program for juvenile and minor criminal cases, and a multi-party mediation effort to coordinate the rights and responsibilities of different governmental agencies that supervise children with educational problems.

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ADR in New Jersey

In April, the state of New Jersey opened a new alternative dispute resolution facility in Burlington County. Called the Comprehensive Justice Center, the trial-court facility is an ambitious undertaking. "It is a cooperative effort among the court, the bar and the public to ensure that all types of disputes—from disagreements between neighbors to suits between corporate entities or governmental institutions—are resolved justly and expeditiously, through the most effective and most appropriate procedures," wrote Robert Lipscher, administrative director of the New Jersey courts, in a recent letter to the Center for Public Resources.

The new justice center will function like a multi-door courthouse, a concept developed by Harvard Law Prof. Frank E.A. Sander several years ago. In essence, the center will act as a screening and referral device. When lawyers or citizens call the center's intake unit, the staff will advise them "on the most expedient, just and least costly way to settle a problem: arbitration, mediation, private judging, mini-trials or the standard courtroom trial," explain the authors of an article in the December 1985 issue of *New Jersey Monthly*.

The center, a two-year pilot project, will operate under the aegis of New Jersey Superior Court Judge Martin L. Haines.

The facility was suggested by the Complementary Dispute Resolution Committee of the New Jersey Supreme Court, and is funded by the state's Administrative Office of the Courts.

The Comprehensive Justice Center is more than a referral service, however. Backed by the Burlington County Bar Association and the New Jersey Bar Association, the center features an educational component too, offering lawyers and the public a series of seminars on such issues as complex case management and mediation. The center will also train mediators for community disputes.

New Jersey is particularly active in alternative dispute resolution (ADR) initiatives. Since its formation in 1983 under the leadership of New Jersey Supreme Court Justice Marie L. Garibaldi, the Complementary Dispute Resolution Committee has developed and sponsored a number of ADR facilities in the state. New Jersey boasts a mandatory arbitration program for minor auto negligence cases, mediation facilities for custody and visitation cases, and a center for public dispute resolution in Trenton.

"Our goal is a statewide ADR system, operating in conjunction with, and integrated into, the judicial system," wrote Mr. Lipscher.