

IN THE SUPREME COURT OF ALABAMA  
JUNE 13, 1994

ORDER ESTABLISHING THE ALABAMA SUPREME COURT  
COMMISSION ON DISPUTE RESOLUTION

A petition having been submitted to the Court on behalf of the Alabama Circuit Judges Association, the Alabama District Judges Association, and the Alabama State Bar seeking the establishment of an Alabama Supreme Court Commission on Dispute Resolution; and the petition having been considered by the Court,

IT IS ORDERED that the petition is GRANTED and that the "Alabama Supreme Court Commission on Dispute Resolution" is hereby created.

IT IS FURTHER ORDERED that that Commission shall be governed by the "Rules Regarding the Alabama Supreme Court Commission on Dispute Resolution," adopted by this order and appearing as an appendix to this order, particularly regarding the Commission's membership, the members' terms of office, its meetings, and the making of its rules.

IT IS FURTHER ORDERED that this order shall become effective July 1, 1994.

Hornsby, C.J., and Maddox, Shores, Houston, Steagall, Ingram, and Cook, JJ., concur.

I, Robert G. Esdale, as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.

Witness my hand this 30<sup>th</sup> day of June, 1994

  
Clerk, Supreme Court of Alabama

## APPENDIX

### RULES REGARDING THE ALABAMA SUPREME COURT COMMISSION ON DISPUTE RESOLUTION

#### RULE A. DUTIES AND RESPONSIBILITIES OF THE COMMISSION

The Alabama Supreme Court Commission on Dispute Resolution shall:

1. Institute necessary guidelines for the orderly progress of alternative dispute resolution programs and procedures in the state court system.
2. Implement and supervise the Center for Dispute Resolution as an alternative dispute resolution management, coordination, research, and development office.
3. Provide technical assistance, education, and training to the Bar, the judiciary, and the public.
4. Develop training procedures, qualification criteria, standards of conduct, and utilization standards for mediators and other alternative dispute resolution neutrals.
5. Maintain statistical data and other information necessary to evaluate on a continuing basis the effectiveness of alternative dispute resolution in the state of Alabama, including, but not limited to, data regarding at what stage in the resolution process matters or causes are settled.
6. Address funding needs, and means of funding, for implementing alternative dispute resolution.
7. Initiate and coordinate community-based alternative dispute resolution programs.
8. Provide advice and recommendations, when appropriate, to the Alabama Supreme Court on all matters related to alternative dispute resolution and provide reports, at least annually, to the Chief Justice of the Supreme Court on the status of the Commission and on the progress of alternative dispute resolution programs in the state of Alabama.

#### RULE B. MEMBERSHIP ON THE COMMISSION

The membership of the Alabama Supreme Court Commission on Dispute Resolution shall be constituted as follows:

1. One Associate Justice of the Supreme Court (appointed by the Chief Justice).
2. One Judge of the Court of Civil Appeals (appointed by the Chief Justice).

3. Two circuit court judges (appointed by the Alabama Circuit Judges Association), designated as holding Places #1 and #2.

4. Two district court judges, including one from a court with family-juvenile court jurisdiction (both shall be appointed by the Alabama District Judges Association); one shall be designated as the district court member and one shall be designated as the family court member.

5. Three members of the Alabama State Bar (appointed by the president of the Alabama State Bar), designated as Bar members, and as holding places #1, #2, and #3.

6. Four members appointed by the following state officials:

- a. Governor - one member.
- b. Lieutenant governor - one member.
- c. Speaker of the House - one member.
- d. Attorney general - one member.

7. Three members appointed by the following organizations:

- a. Alabama Trial Lawyers Association - one member...
- b. Alabama Defense Lawyers Association - one member.
- c. Alabama Lawyers Association - one member.

8. Three members to be designated, at large, by the Commission to afford diverse representation on the Commission, these three members to be designated as deemed desirable by the Commission from groups such as law schools, consumer groups, business groups, labor groups, social service agencies, and the like. These at-large members shall be designated as holding places #1, #2, and #3.

9. Liaison membership on the Commission. The administrative director of courts and the executive director of the Alabama State Bar shall serve as liaison members of the Commission.

#### RULE C. TERMS OF OFFICE OF THE MEMBERS OF THE COMMISSION

1. The initial terms of the members shall be as follows:

- a. One-year terms: Bar member, place #1  
Governor's appointee  
District Judges Association appointee  
(district court member)  
At-large member, place #1  
Alabama Trial Lawyers Association  
appointee  
Alabama Defense Lawyers Association  
appointee  
Alabama Lawyers Association appointee



- b. Two-year terms: Bar member, place #2  
Lieutenant Governor's appointee  
Judge of the Court of Civil Appeals  
Circuit Judges Association appointee,  
place #1  
Attorney general's appointee  
At-large member, place #2
- c. Three-year terms: Bar member, place #3  
Member appointed by the Speaker of the  
House  
Associate Justice of the Supreme Court  
Circuit Judges Association appointee,  
place #2  
District Judges Association appointee  
(family court member)  
At-large member, place #3

2. At the conclusion of the initial terms, members shall be appointed, or reappointed, for three-year terms.

#### RULE D. MEETINGS OF THE COMMISSION

The Alabama Supreme Court Commission on Dispute Resolution shall meet at least once each quarter. The Commission shall keep minutes of each meeting, and at least once each year the Commission shall furnish its cumulative minutes to the Supreme Court.

#### RULE E. RULEMAKING

1. The Alabama Supreme Court Commission on Dispute Resolution should develop proposed by-laws for its governance and submit those by-laws, and such amendments or additions thereto as may be from time to time required, to the Supreme Court for approval. The Commission shall formulate an initial set of by-laws and operational rules and forward a copy of them to the Supreme Court for its consideration and approval; this shall be done within ninety (90) days of the effective date of the Supreme Court order establishing the Alabama Supreme Court Commission on Dispute Resolution.

2. The Alabama Supreme Court Commission on Dispute Resolution shall promulgate and submit to the Supreme Court for its consideration and approval rules and procedures to apply to the operations and functions of the Center for Dispute Resolution. Those functions shall include, but shall not be limited to, the following matters:

- a. Managing and coordinating all alternative dispute resolution programs in the state of Alabama.
- b. Maintaining resource materials and files.
- c. Publishing an alternative dispute resolution newsletter and other informational material.

d. Developing and supporting local alternative dispute resolution offices.

e. Acting as liaison with other states' alternative dispute resolution offices.

f. Planning, coordinating, scheduling, and presenting alternative dispute resolution seminars to Bar members, the judiciary, and the public.

g. Maintaining a master panel of mediators for use throughout the state court system.

h. Monitoring and controlling mediator standards and certification.

i. Researching alternative dispute resolution programs and principles.

j. Providing neutral facilities for alternative dispute resolution proceedings.

k. Administering the Center's offices and personnel.

l. Providing technical assistance to court systems and the Bar in general.

m. Providing staff support for the Supreme Court Commission on Dispute Resolution.

n. Conducting periodic alternative dispute resolution conferences for mediators and/or arbitrators.

o. Publishing alternative dispute resolution manuals and forms.

p. Providing training to personnel in alternative dispute resolution skills.

q. Providing a clearing house for alternative dispute resolution information.

r. Working with alternative dispute resolution committees sponsored by or affiliated with local bar associations.

s. Soliciting funds to support alternative dispute resolution programs.

t. Providing assistance to nonprofit alternative dispute resolution organizations.

u. Assisting state agencies in implementing alternative dispute resolution concepts in the administrative process.