Mediation Week 2018

The American Bar Association Mediation Week will be held during the week of October 14 – 20, 2018. Throughout the country organizations and institutions will hold events in recognition of Mediation Week. The Alabama Center for Dispute Resolution (the Center) joins together with the Dispute Resolution Section of the Alabama State Bar, the Mobile Bar Association and the Birmingham Bar Association to host a series of events.

We will begin Mediation Week with Governor Kay Ivey signing a “Mediation Week Proclamation” on October 3rd at 3 p.m. at the Alabama State Capitol.

Our Mediation Celebration includes several free one-hour CLE events with a complimentary lunch for attendees.

- Mobile – October 15, 2018 at the Athelstan Club — “Successful Mediation of a Workers’ Compensation Case”
- Birmingham – October 24, 2018 at the Birmingham Bar Association — “Mediation Perspectives Roundtable Discussion”
- Montgomery – November 1, 2018 at the Alabama State Bar — “Mediation Perspectives Roundtable Discussion”

For more information contact the Alabama Center for Dispute Resolution at (334) 356-3802 or visit www.alabamaadr.org to register.

Private Judging now includes former and retired Probate judges

The Alabama Statute on Private Judging was amended effective June 1, 2018 to allow former and retired probate judges meeting specified requirements to serve as private judges in certain cases. Act 2018-384 amended Sections 12-11A-2 and 12-11A-4 of the Alabama Code.

Specifically, Section 12-11A-2(a) provides “Persons who may act as private judges shall:
(1) Have been, but are not actively serving as, a judge of a district, circuit or probate court and have served in the capacity of judge for at least six consecutive years.
(2) Be admitted to the practice of law in Alabama.
(3) Be an active member in good standing of the Alabama State Bar Association.
(4) Be a resident of Alabama.

Section 12-11A-2(b)(3) was amended to read “The case is assigned a CV or DR case number by the Alabama Administrative Office of Courts.”

Section 12-11A-4(e) was amended to read (change italicized): The Alabama Rules of Civil Procedure shall apply for all actions brought before a private judge. The private judge shall maintain jurisdiction over all matters brought before him or her to the same extent as matters before a trial court, including all post-trial proceedings and subsequent proceedings between the same parties arising from the same case. An appeal from an action or a judgment of a private judge may be taken in the same manner as an appeal from the circuit court of the county where the case is filed.
PRO BONO MEDIATORS PROMOTE ACCESS TO JUSTICE

Alabama is very fortunate to have active and engaged pro bono mediators. During 2017, Alabama’s registered mediators gave 1,189 hours of pro bono service in a variety of civil cases—domestic and non-domestic and non-court mediations. What is even more spectacular is the involvement of volunteer mediators among our law schools and district court programs. One hundred and thirty-nine volunteer mediators participated in district court mediations. This group of pro bono mediators gave 1,545 hours of free mediation service in Autauga, Bibb, Cullman, Elmore, Jefferson, Madison, Morgan, Perry and Tuscaloosa counties.

Thank You 2017 Pro Bono Mediators

Patrick Arrington
Stephanie Bain
Johnna Baker
Daniel Banks
Robert Barr
Nettie Blume
Sarah Bowers
John Bull
Tina Burgett
Robin Burrell
John Bush
William Carn
Margaret Casey
Jennifer Chambliss
Jerry Clayton
Cedrick Coleman
Louis Colley
Martha Reeves Cook
C. Kevin Coonrod
Sam Crosby
Katie Crow
Todd Derrick
John DeShazo
William Donald
Kesa Dunn
J. Robert Faulk
R.A. “Sonny” Ferguson
Anton Gaede
Amy Gentle
W. Alexander Gray
Fletcher Green
Larry Harris
Edward Hawkins
Toni Hawkins
R. David Hendricks
Kenneth Hitson
Carmen Howell
Susan Huffstutler
Leslie Johnson
Mitz Johnson-Theodoro
Sharon Johnston
Thomas Jones
Ronald Kim
Ross KINDER
Jorja Loftin
Thomas Lovett
Jeanne Maes
John Manelos
Rodney Max
Lynn McConnell
Peter McInish
George McMillan
Virginia Miller
William Mills
Phil Mitchell
Tony Mollica
Daryl Moon
Jameria Moore
Elyce Morris
Randall Nichols
Deborah Paseur
Ferris Ritchey
Blake Payne
Kenneth Raines
Kimberly Ryberg
Holly Sawyer
Lakia (Kia) Scott
Gerald Sills
Matthew Simechak
Donna Smalley
Fred Steagall
Ron Storey
Garrick Stotster
Jennifer Tompkins
Kelly Traver
Michael Upchurch
George Van Tassell
Brian Vallone-Wells
M. Jansen Voss
Michael Walls
George Walker
James Walter
Brad Wash*
Barbara Wells
Laura Wells
Faith Whidden-Buster*
Bruce Williams

Pro Bono District Court Mediation Coordinators and Law School Mediation Clinic Directors:

Autauga/Montgomery:
Professor Elyce Morris,
Jones School of Law

Bibb/Dallas/Perry:
Faith Whidden-Buster

Cullman County:
Kelly Ann Traver

Elmore County:
Vicki Bonner Ward

Jefferson County:
J. Payne Baker, Jr.

Madison County:
Marjorie Stellingwerf

Morgan County:
Linda Buchanan

Cumberland:
Cassandra Adams

Tuscaloosa County:
Susan Donovan

* Denote Mediators who gave over 100 hours of pro bono service.
FROM THE EXECUTIVE DIRECTOR’S DESK – Eileen Harris

I am so grateful for the opportunity to serve as the Center’s Director. I look forward to coming to work each and every day. I am amazed at the level of commitment and professionalism of Alabama’s neutrals. I enjoy seeing how I can help our neutrals develop their skills and finding ways to educate the public about the use of alternative dispute resolution to reduce their conflicts.

This year the Alabama Supreme Court Commission on Dispute Resolution and I discussed these very issues. We began with a series of free webinars in May and June to help mediators develop and manage their practice. During August we began a four-part series on the Collaborative Practice of Law. This series runs through December and is just another option to help Alabama families work through the painful process of dissolving their marriages without shredding the family. Many thanks to the Birmingham Collaborative Law Alliance and the Collaborative Law Section of the Birmingham Bar for putting together the Collaborative Practice of Law series. Thank you Melanie Atha, Frances Nolan, Brian Turner, Virginia Miller and Steven Gregory! The evaluations from “An Introduction to Collaborative Law Practice” webinar were insightful. Lawyers and mediators as well as non-legal participants joined us during the webinar.

Two additional free webinars are scheduled for October based on feedback from participants. Join attorney Sammaria Munnerlyn Dunson as she takes us through the “Hype about HIPAA and HITECH” on October 16th. If you’ve ever wondered about the ins-and-outs of mediation when dealing with insurance companies join attorney and mediator Gene Warhurst on October 30th for “Mediating Insurance Claims.” I hope you will take advantage of these free CLE events and give us feedback on how we can help you become more skillful and successful in your mediation practice.

On August 7th I was pleased to meet with members of the Alabama Supreme Court to share with them the good work that registered family mediators are doing with the Parents are Forever Family Mediation program. Thanks to financial support of the Alabama Supreme Court, over 680 families have entered the Parents are Forever Family Mediation program since 2013. These include parents and children who benefit from the parenting plans developed during the course of mediation. During 2017 Alabama mediators helped 125 families and benefited 191 children. This program provides help to families whose income does not exceed $60,000 during initial divorce and custody matters. The average family income in 2017 was $40,640. Participating family mediators agree to take on these cases at a contract rate as well as give pro bono hours to the family. Thank you Alabama mediators for all you do to help Alabama families! The Commission and I are grateful to the support of the Alabama Supreme Court for continued funding of this worthwhile program.
The Volunteer Mediation Program in Dallas County District Court was revamped in 2012. The Program mediates small claims as well as domestic relations custody/visitation cases. In small claims court we have “Mediation Monday” once a month. We mediate an average of 60 small claims cases each year. Domestic Relations cases are mediated on an assigned basis.

Our small claims cases are sent an Order to Mediate. The mediations take place on the same day as court right in the courthouse. That way if the case does not settle they proceed to court without causing a delay to the parties. Our mediators have a 92% settlement rate for small claims and civil cases. They also have a 96% rate for domestic relations cases.

Our Dallas County Program is pleased to work with Jones School of Law’s Mediation Clinic under the supervision of Professor Elyce Morris. This gives law students who completed a 20-hour general civil mediation program real world experience in mediating disputes. “At any given time we have four law students with us on Mediation Monday,” commented Faith Whidden-Buster, Director of the Dallas County Program. Mediation is a dynamic, structured, interactive process where we as third party neutrals assist disputing parties in resolving conflict through the use of specialized communication and negotiation techniques. Mediation is a party-centered process in that it is focused primarily upon the needs, rights and interests of the parties. All of our mediators explain the process to the parties and at the end we offer them an opportunity to complete an evaluation on the mediator. This helps us to measure how we are doing and how we can improve.

Our mediators also work with the District Courts in Elmore, Autauga and Perry counties.
“Pearls of Wisdom from Alabama Judges and Mediators” did not disappoint attendees at the Annual Meeting in June! The room was full and the presenters were well qualified to share their knowledge with the 60-plus attendees who joined us. Thank you Jimmy Walter, co-chair of the Dispute Resolution Section of the Alabama State Bar and Member of the Alabama Supreme Court Commission on Dispute Resolution, for co-facilitating the event with Eileen Harris. Hats off to our panelists: Judge Jim Anderson (15th Judicial Circuit), Jana Russell Garner (Selma), and Jim Rives (Montgomery).

The Center welcomes the 2018 Dispute Resolution Section Leaders

Chair: Jana Russell Garner, Selma
Vice-Chair: R. Boyd Miller, Mobile
Secretary/Treasurer: George M. “Jack” Neal, Jr., Birmingham
Member-at-Large: Robin L. Burrell, Birmingham

The Dispute Resolution Section of the Alabama State Bar is a great section to join!

Glad to have spent time with Alabama State Bar President Sam Irby (left) at the Alabama State Bar Annual Meeting. The Center enjoyed getting to spend time with conference attendees in the Vendor Exhibit Hall. It was great to visit with (below left) Montgomery County District Judge Pamela Higgins and attorney Karen Laneaux and Alabama Supreme Court Commission Member Stephanie Hunter (below).
**Funding is Available to Help Homeowners with Foreclosure Prevention/Mortgage Modification Mediation**

The Center has funding to pay mediators to assist homeowners who are facing foreclosure or who are at risk of foreclosure. If you are a homeowner or are representing a homeowner you may call the Alabama State Bar Volunteer Lawyers Program (ASB VLP) at (334) 517-2246 to see if they qualify for the program. The threshold for assistance is 250% of the federal poverty level. The homeowner will receive a letter letting them know if they do or do not qualify for assistance. If you are in court you may ask the judge for an order to mediation under the program. Foreclosure mediation funding is made possible through a grant from the Alabama Law Foundation and the Alabama Civil Justice Foundation. **Funding under this program will end on March 31, 2019.**

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**ROSTER REGISTRATION RENEWAL NOTICES AND 2018 SURVEYS WILL BE SENT OUT AT THE END OF NOVEMBER.** Your renewal invoice will include your profile and the 2018 survey. Please complete and return with your payment by January 31, 2019. Thank you!

Renewal fees:
- Mediator: $150
- Arbitrator: $150
- Mediator & Arbitrator: $250
- Private Judge: $150

Thank you for renewing!

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**LET’S GET SOCIAL**

The Alabama Center for Dispute Resolution is on Facebook! Visit our page at facebook.com/alabamaadr and “Like Us” to keep up with the latest news and happenings at the Center.

We're also on Twitter! While we don't have a lot of fast-breaking news we do have a Twitter account. Follow us @AlabamaADR at twitter.com/alabamaadr

Check out our YouTube channel for videos and pointing-to-reference videos related to mediation, negotiation, arbitration, restorative justice, and more. Visit Alabama Alternative Dispute Resolution Center on YouTube.
FREE WEBINARS
The Center is pleased to co-sponsor free 60-minute live webinars along with the Dispute Resolution Section of the Alabama State Bar, the Birmingham Collaborative Law Alliance and the Dispute Resolution Section of the Birmingham Bar.

September 21  Collaborative Law Practice Series “Focus on Team: Breaking Down Roles”
October 16  The Hype about HIPAA and HITECH
October 30  Mediating Insurance Claims
November 2  The How To’s of Collaborative Law
December 7  Informed Consent/Civil Collaboration (one hour of ethics)

To register visit www.alabamaadr.org

In-State General and Family Mediation Training Opportunities

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<td>Advanced Divorce Mediation (12 hours)</td>
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<td>Divorce and Family Mediation (40 hours)</td>
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<tr>
<td>December 5, 2018</td>
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<td>December 6—8, 2018</td>
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Appellate Mediation Training — November 15, 2018

In order to register to be on the Appellate Roster, an attorney must be registered on the Alabama State Court Mediator Roster. If you have not taken the 20 or 40 hour mediation course(s) required for the State Court Mediator Roster, you may still take this course then follow up with one of those courses. This training opportunity will be on November 15, 2018 from 8:30 am to 4:35 pm. Lunch is provided. The course fee is $400. This course has been approved for 6.8 hours of MCLE credit. Read about the program and register on the [Flyer and Registration Form](#) (PDF). **Register by October 15th!**

Global Collaborative Law Council, the international organization for professionals dedicated to the advancement of civil collaborative law, invites you to attend our Annual Civil Collaborative Law Conference. This year’s Conference will be held in Las Vegas, Nevada at beautiful Cili at Bali Hai Golf Resort, September 20-22, 2018. This unique event features a one day basic introductory civil collaborative law training, followed by a two day advanced training which includes hands-on learning through a case study. The conference or a portion thereof has been approved for a total of 21.8 hours of MCLE credit by the Alabama State Bar.

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