

Alternative Dispute Resolution Department **Superior Court, County of Fresno**

ADR FAMILY LAW MEDIATION PANEL ***~ Applicant Eligibility Requirements & Program Overview ~***

PRACTICE REQUIREMENTS

All participants must be licensed to practice law in the State of California and in good standing with local and state regulatory agencies and have been practicing law for at least **5** years with a primary concentration in the area of family law for at least **2** years.

EDUCATIONAL REQUIREMENTS

All participants shall have **40** hours of mediation training.

At least **30** of the 40 hours of mediation training required must be in the form of single, comprehensive, mediation training program as outlined in the Dispute Resolution Programs Act (DRPA) and shall include:

1. Conflict, communication and mediation theory;
2. Stages of the mediation process;
3. Mediation and communication skills and techniques;
4. Mediator ethics;
5. The law governing mediation, including mediation confidentiality;
6. Observation of mediation demonstrations and participation in role playing;
7. The Rules of Conduct for Mediators in Court-Connected Mediation Programs for Civil Cases;
8. Cultural and gender issues in mediation;
9. Issues concerning the role of mediators in the preparation of mediated agreements.

All participants shall have at least **3** hours of Domestic Violence training to include the identification, assessment and proper methods of handling cases involving domestic violence.

The balance of any education hours in mediation training must be approved for continuing education by the State of California.

MEDIATION EXPERIENCE

After completion of the 40 hours of mediation training, potential mediators, who have no prior mediation experience, must have completed:

1. At least two mediations of at least 2 hours in length;
 - a. Either co-mediated with a mentor mediator or observed by a mentor mediator; and
 - b. Evaluated by the mentor mediator.

REFERENCES

Must submit at least two (2) references or evaluations from individuals familiar with the applicant's mediation skills through observation or participation in mediations conducted by the applicant.

ALTERNATIVE QUALIFICATIONS

An applicant who does not meet all of the eligibility requirements above may still be considered for placement on the court's panel. The applicant must provide evidence of sufficient education, training, skills, and experience satisfactory to the Presiding Judge of Family Law, ADR Administrator and ADR Oversight Committee Chair.

INSURANCE

All applicants must have or agree to obtain professional liability insurance coverage upon approval for the panel. Mediators must provide a copy of the Certificate of Insurance.

ORIENTATION SESSIONS

Applicants may be required to attend an initial or periodic orientation sessions as required by the Court.

PROGRAM OVERVIEW

Voluntary & Confidential: Participation in the mediation program is voluntary. Parties may elect to participate in meditation with a mediator on the ADR Family Law Mediation Panel at any time. Mediators shall preserve and maintain the confidentiality of all mediation proceedings except where required by law to disclose information.

Structure: The panel operates as a **fee-for-service** resource for the public. Mediators on the panel are privately engaged for services by the participating parties. The Court encourages litigants to consider the option but does not order or assign cases directly to panel members. The mediator will be responsible for their own mediation intake process and case management. Mediators will be required to use and/or file designated Court forms for cases participating in the

program, including but not limited to, the ADR 100 Form- Statement of Agreement / Non-Agreement.

Compensation: All mediators on the panel must agree to abide by the following payment schedule and related guidelines:

- 1.) The first 90 minutes of the mediation will be provided to the parties at a reduced fee. At the time of case intake and/or prior to the commencement of the mediation session, parties must be made aware of the reduced fee structure for the initial 90 minutes and market rate option thereafter.
- 2.) The total cost for the initial 90 minutes of mediation will be \$150.00. The \$150.00 fee for the initial period applies to the actual mediation session only. Mediators may not charge any additional fees for intake, scheduling, administration, preparation, case evaluation, brief review or for time associated with the securing of the mediation facilities associated with the initial period. Violation of this provision may result in the immediate removal of the mediator from the Family Law Mediation Panel.
- 3.) If after the initial 90 minute period parties want to continue in the mediation, the mediator may then elect to charge their market rate for the remaining time in the session and for any future mediation sessions. The mediator must provide information regarding their hourly rate, retainer etc. **before** providing any additional services over and above the initial 90 minute session.
- 4.) The mediator is responsible for securing payment for services rendered and the subsequent collection of any of outstanding balances owed.

Case Outcome Reporting: The mediator must complete, serve, and file an ADR-100 Form, Statement of Agreement or Non-agreement, within **10 days** after the conclusion of the mediation. The mediator must not provide any information beyond what is specifically requested in the ADR-100 or disclose any settlement terms, confidential communications, mediation conduct, or mediator conclusions or impressions.

Additional program information will be provided during the application process. Please direct your program inquiries to:

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