

JEFFERSON COUNTY, ALABAMA

DISTRICT COURT
MEDIATION PROJECT

BEST OPPORTUNITIES
FOR EXPANSION

JUNE 4, 2002

1) MEDIATION PROJECT WEB SITE

With a Mediation Project web site, valuable information would be available to the Bench, Bar and program participants 24 hours a day, 7 days a week. The Mediation Project would be featured on the site through links to project documents such as the overview, settlement agreement forms, mediator reports, mediation schedule, training materials, current and historical statistics. Additionally, the site would link to both Alabama and national mediation resources. A very basic sample can be viewed at <http://members.telocity.com/mediate/>. This type of page may be updated weekly and maintained for approximately \$50.00 per month.

2) THREE PRO SE DOCKETS EACH FRIDAY

The Mediation Project has sufficient numbers of volunteers to commit to covering Judges Cruse, Alsbrooks and Lowther's *pro se* dockets each Friday, beginning in August. The goals would be much the same as during the pilot program, *i.e.* to speed up the disposition of cases, reduce costs to the court and litigants, and to enhance satisfaction with the overall process.

3) FAST TRACK MEDIATION OF SMALL CASES

If satisfactory selection criteria could be developed and a sufficient number of experienced practitioners assembled, the Mediation Project could begin a pilot program designed to divert cases from small claims docket to mediation early in the case before the litigants have invested in significant discovery. Charging the litigants and paying the mediators for this service may be appropriate depending upon how the program were designed.

Specific goals are to:

1. to increase use of mediation;
2. to raise bench, bar, and public awareness relative to the mediation process;
3. to provide opportunities for collaborative problem-solving to the litigants;
4. to expedite case disposition;
5. to assist attorneys and litigants in defining and addressing issues; and
6. to implement and test an internet based data collection interface that would assist courts in monitoring mediation and mediators to ensure quality.

Initially, a pool of at least fifteen experienced trial attorneys or retired judges should be trained as mediators, with each agreeing to mediate five cases on a *pro bono* basis during the first year pilot program. A suggested plan for early case referral would be developed and provided to the Court.

4) MEDIATION PROJECT LAW STUDENT EXTERNSHIP PROGRAM

The Mediation Project could make an externship position available to one or two Cumberland students. Through the externship, the student would earn credit while obtaining mediation experience. The program would provide an excellent opportunity for students to gain experience in

all phases of mediation, to learn to work with court personnel and to learn to interact with litigants. Externship students would write experiential essays and complete one comprehensive mediation process analysis paper during the semester.

MEDIATION CLINICS AT CUMBERLAND

The Mediation Clinic would be designed to provide law students with an opportunity to expand their understanding of dispute resolution through study of the mediation process and experience as mediators. For the duration of the course, students would broaden their perspective of lawyering, complex communication and problem solving skills while developing an understanding of alternative dispute resolution.

Students would be expected to participate in mediation activities outside of class on a weekly basis. Students must schedule two three hour blocks of time during the week to observe and/or participate in mediation activities, including: (1) *pro bono* mediation in the Jefferson and/or Montgomery County District Courts, (2) Peer mediation in schools, (3) Youth conflict management programs with the Alabama Center for Law and Civic Education, and (4) the Governor's Task Force on ADR in State Agencies.

At the beginning of the semester, two seven-hour weekend day sessions and one four hour evening session of intensive mediation training would be required. During the semester, students would attend one two hour seminar per week. Class attendance would be mandatory.

In the seminar component of the Mediation Clinic, students would explore various issues relating to mediation, including the role of lawyers in mediation, interpersonal issues, institutionalization of ADR in our justice system, ethical considerations, conflict management and public policy concerns.

The Mediation Clinic would be a 4 credit graded course. There is no final exam; however, students would write reports and provide analysis relative to their out-of-class mediation experiences. Also, students would participate in a group mock mediation project. The Mediation Clinic would operate three clinics per year: Spring, Fall and Summer. Law student enrollment would be limited to 12 students.

CLE OPPORTUNITIES

The Mediation Project must continue to play a leading role in the training and mentoring of future and present attorneys interested in the field of alternative dispute resolution through the Bar Associations and various other organizations.

PUBLICITY

Articles highlighting the successes of the Mediation Project pilot program and outlining its future are due to be submitted to the ABA Journal, Alabama Trial Lawyers Journal, Alabama Lawyer, BBA Bulletin, and Cumberland Lawyer later this year.