

## APPENDIX

### Mediator Registration Standards and Procedures

(Adopted September 18, 1998) (Revised May 4, 2007; June 12, 2012)

I. State Court Mediator Roster: The Alabama Center for Dispute Resolution ("the Center") shall maintain a State Court Mediator Roster ("roster"), which consists of those mediators who meet the mediator registration standards and follow the procedures herein. This roster shall be maintained geographically by counties and by areas of practice and shall be made available to all state court judges, attorneys, and the general public.

II. Definition of Registration: For the purpose of these provisions, the term "registration" and the related forms of this word shall mean only that the standards and procedures set forth herein have been met to the satisfaction of the Center. This term does not imply any degree of mediation skills or competency on behalf of any mediator subject to these provisions.

III. Mediator Registration Standards: To be registered on the roster, a mediator must meet certain minimal standards which are specified in Appendix I. To be registered specifically as a domestic relations mediator, an individual must meet the minimal standards specified in Appendix II. All applicants must meet the good character requirements of Appendix III.

IV. Procedure for Registration: Individuals who seek to be registered on the roster shall submit to the Center a completed application form. Should the individual meet the required standards and pay all applicable fees, his or her name shall be registered on the roster as a mediator. To remain on the roster, the mediator must meet such additional or different standards that may be hereafter imposed for registration. Registration decisions are made by the Center. Applicants who are denied registration for any reason may appeal within 30 days of that denial to the Committee on Standards for Neutrals of the Alabama Supreme Court Commission on Dispute Resolution, which committee may grant a hearing to the applicant. The Committee on Standards for Neutrals will make a determination whether the applicant should be registered. An adverse decision of the Committee on Standards for Neutrals may be appealed to the full Alabama Supreme Court Commission on Dispute Resolution within 30 days of the date of such decision. The commission shall grant a hearing, if requested, to the applicant.

V. Fees: Individuals applying for mediator registration by the Center shall pay a \$30 application fee. If registration is approved, an annual fee of \$150 for registration will be assessed. Failure to pay the annual assessment or to meet the standards effective at the time of renewal will result in the individual being removed from the roster.

## Appendix I

### Mediator Registration Standards

An individual registered by the Alabama Center for Dispute Resolution ("the Center") must meet the following minimum requirements:

1. Have reached the age of majority in Alabama.
2. Be of good character pursuant to Appendix III.
3. Satisfy any one of the following criteria:
  - a. Be licensed as an attorney by 1 of the 50 states of the United States or the District of Columbia and be in good standing, with 4 years' legal or judicial experience; or
  - b. Have either a baccalaureate degree and at least 5 years of management or administrative experience in a professional, business, or governmental entity OR a high school diploma and 8 years of management or administrative experience in a professional, business, or governmental entity. Applicants seeking registration under this subsection also must have served professionally as the mediator in at least 10 mediations within the 2 years immediately preceding submission of an application for registration and must present, if requested, documentation of the mediations and names, addresses, and telephone numbers of persons who may be contacted regarding the mediations; or
  - c. Be licensed as an attorney by 1 of the 50 states of the United States or the District of Columbia and be in good standing and, within 2 years preceding application, have successfully completed a law school clinical mediation course approved by the Director of the Center. The Director will approve only law school courses that have educational training components equal to or greater than the training requirement in subsection 4. Approval of the course shall satisfy the training requirement for those applicants. Students in such courses further must have participated as the sole or co-mediator in at least 10 mediations.
4. Have successfully completed a 20-hour mediation training program approved by the Center within the 2 years preceding application. The mediation training must include two hours of Alabama mediator ethics education, or the applicant must take a separate two-hour training in Alabama mediator ethics. To be approved, training programs must include as part of their curricula, at a minimum, mock mediation exercises and ethics education.

5. Agree to subscribe and adhere to the Alabama Code of Ethics for Mediators and the rules of the Center for mediator registration.
  
6. Be willing to provide, upon request, at least 10 hours annually of pro bono mediation services to the public.

## Appendix II

### Domestic Relations Mediator Registration Standards

Individuals registered with the Alabama Center for Dispute Resolution ("the Center") specifically to engage in mediation in the area of domestic relations must meet the following minimum requirements:

1. Have reached the age of majority in Alabama.
2. Be of good character pursuant to Appendix III.
3. Satisfy any one of the following:
  - a. Be licensed as an attorney by 1 of the 50 states of the United States or the District of Columbia and be in good standing, with 4 years' legal or judicial experience; or
  - b. Have at least a master's degree and at least five years of professional experience in any of the fields of psychology, social work, or mental health, and be in good standing with any licensing board or agency and able to present a current license number, if applicable; or
  - c. Have either a baccalaureate degree and at least 8 years of management or administrative experience in a professional, business, or governmental entity OR at least a high school diploma and 10 years of management or administrative experience in a professional, business, or governmental entity. Applicants seeking registration under this subsection also must have served professionally as the mediator in at least 10 domestic relations case mediations within the two years immediately preceding submission of an application for registration and must present, if requested, documentation of the mediations and names, addresses, and telephone numbers of persons who may be contacted regarding the mediations; or
  - d. Be licensed as an attorney by 1 of the 50 states of the United States or the District of Columbia and be in good standing and, within 2 years preceding application, have successfully completed a law school clinical mediation course approved by the Director of the Center. The Director will approve only law school courses that have educational training components equal to or greater than the training requirement in subsection 4. Approval of the course shall satisfy the training requirement for those applicants. Students in such courses further must have participated as the sole or co-mediator in at least 10 mediations.
4. Have successfully completed a 40-hour mediation course on domestic relations issues within 2 years preceding application, which course has been (a) certified by the Association of Conflict Resolution ("ACR") or (b) approved by the Center

as functionally equivalent or superior to an ACR 40-hour course. The mediator training must include two hours of Alabama mediator ethics education, or the applicant must take a separate two-hour training in Alabama mediator ethics. To be approved, training programs must include as part of their curricula, at a minimum, mock mediation exercises and ethics education.

5. Agree to subscribe and adhere to the Alabama Code of Ethics for Mediators and the rules of the Center for mediator registration.

6. Be willing to provide, upon request, at least 10 hours annually of pro bono mediation services to the public.

## Appendix III

### Good Character Requirement

1. General. No person shall be registered as a mediator unless the person first produces satisfactory evidence of good character, as required in Appendices I and II. A mediator shall have, as a prerequisite to registration and as a requirement for continuing registration, good character as set forth in subsequent sections.

2. Purpose and Disclaimer. The purpose of the good character requirement is to help protect participants in mediation and the public, and to safeguard the justice system. Any inquiry into an applicant's good character should not be deemed to be exhaustive or conclusive. Participants to a mediation also should use their own due diligence to ascertain the fitness or capability of an individual mediator to serve appropriately as mediator in their dispute.

3. Registration and Removal. The following shall apply for initial and continuing mediator registration:

a. The applicant's or mediator's character is subject to inquiry.

b. In assessing whether the applicant's or mediator's conduct demonstrates a lack of good character, the Alabama Center for Dispute Resolution ("the Center") will consider, without limitation, the following factors:

- (1) the extent to which the conduct would interfere with a mediator's duties and responsibilities;
- (2) the area of mediation in which registration is sought or held;
- (3) the factors underlying the conduct;
- (4) the applicant's or mediator's age at the time of the conduct;
- (5) the recency of the conduct;
- (6) the reliability of the information concerning the conduct;
- (7) the seriousness of the conduct as it relates to mediator qualifications;
- (8) the effect of the conduct or the totality of information gathered;
- (9) any evidence of rehabilitation;
- (10) the applicant's or mediator's candor;
- (11) denial of application, disbarment, or suspension from any profession; and
- (12) treatment or commitment for treatment of alcohol or other substance abuse.

c. An applicant for initial registration who has been convicted of a felony shall be ineligible for registration until such person has received a restoration of civil rights or has been pardoned.

- d. A registered mediator shall be subject to removal from registration for any knowingly and willfully incorrect material information contained in any mediator application. There is a presumption of knowing and willful violation if the application is completed, signed, and notarized.

4. Conviction of Crime. A conviction of a felony or misdemeanor shall be reported by the mediator in writing to the Center within 30 days of such conviction. The report shall include a copy of the judgment of conviction.

- a. Upon receipt of a judgment of felony conviction, the Center shall immediately suspend all registration and refer the matter to the Alabama Supreme Court Commission on Dispute Resolution ("the Commission").
- b. Upon receipt of a judgment of a misdemeanor conviction, the Center shall refer the matter to the Commission for appropriate action.
- c. If the Center becomes aware of a conviction prior to the required notification, it shall suspend registration in the case of a felony and refer the matter to the Commission for appropriate action.