



ABA Mediation Week (October 19 – 23, 2020)

Each year during the third week of October the American Bar Association observes “Mediation Week.” This year the **Alabama State Bar Section on Dispute Resolution** and the **Alabama Center for Dispute Resolution** are sponsoring several free CLE events to highlight the many ways alternative dispute resolution can make an impact on our judicial system. We are pleased that Governor Kay Ivey proclaimed the week of October 19 - 23, 2020 as “**Mediation Week**” in Alabama. On top of that we are pleased to note that Mediation Week occurs in October when we also celebrate **Pro Bono Month** at the Alabama State Bar.



The pandemic has brought to the forefront that alternative dispute resolution offers options for disputants to resolve their issues and achieve justice in a timely manner. You may or may not have noticed that mediators continued to work with attorneys and litigants during periods of judicial shutdown. They have demonstrated flexibility and creativity using online tools to conduct mediations. In addition to mediation, private judging also provides an alternative.

We invite you to take advantage of some or all of the events we have lined up which also observes the ABA’s “Ombuds Day.”

Each of the events were approved for one hour of MCLE credit by the Alabama State Bar.

Each event has a separate registration link. Please register by October 16, 2020.

October 19th Noon to 1 P.M. “ADR for Today’s Businesses”

Register in advance for this meeting:

<https://zoom.us/meeting/register/tJUocuGqqjktHdPhsJjpCfFSmHzF7W7jHYjQ>

October 20th Noon to 1 P.M. “Ala. Department of Labor Workers’ Compensation Ombudsman Program”

Register in advance for this meeting:

<https://zoom.us/meeting/register/tJ0qc-iupjgtGtSXhvUkqQCI10WcNQRlafIC>

October 21st Noon to 1 P.M. “ADR Trends in Alabama”

Register in advance for this meeting:

<https://zoom.us/meeting/register/tJcqc-mgpjwrG9WGosiQubmNcjghwBKZMEAn>

October 22nd Noon to 1 P.M. “Private Judging: The Who, What, When, Where & How”

Register in advance for this meeting:

<https://zoom.us/meeting/register/tJUduyhqzspGdAxbNMCHOU2QcqCM48DuQA6>

You will receive a confirmation email containing information about joining the meeting following completion of your registration.

Susan Donovan Recognized as Pro Bono Mediator at 2020 State Bar Annual Meeting

The Alabama State Bar Pro Bono Mediator Award is presented to a mediator who demonstrates outstanding pro bono efforts through the active donation of time to the civil representation of those who cannot otherwise afford legal counsel and by encouraging greater legal representation in and acceptance of pro bono cases.

This year Susan Donovan was recognized as the **2020 Pro Bono Mediator**. Susan serves as Director of the Mediation Law Clinic at the University of Alabama in Tuscaloosa. Susan also volunteers with the Alabama State Bar Volunteer Lawyers Program. Since joining the VLP in 2013 she has accepted multiple cases each year in the areas most difficult for the program to place such as contested family law including cases involving Domestic Violence. As director of the Mediation Law Clinic she trains second and third-year students to serve clients, the profession, and society through the provision of free legal assistance to low-income residents.



AROUND THE STATE – Alabama Academy of Attorney Mediators Volunteers to Resolve Monument Disputes

Twenty-four experienced mediators of the Alabama Academy of Attorney Mediators (the Academy) are offering their services as volunteer mediators for one year to help interested parties settle cases and issues involving monuments and the names of public buildings. That is outstanding participation, and it reflects the Academy's dedication to a society that favors peaceful resolution of disputes. The Academy is a non-profit organization and has no political affiliation. Cassandra Adams and Sam Crosby are co-chairpersons of this project.

Mike Ford, Administrator for the Academy, commented, "Our announcement of the Monument Mediation Project has, we believe, been distributed to city and county attorneys and local bar presidents. We are trying to get the announcement to the circuit judges. The announcement has also been sent to the NAACP and to the attorney for the SCV and DOC."

Volunteer mediators include:

Anniston: Brenda Stedham

Birmingham: Cassandra Adams, Robert Baugh, Steven Benefield, Charles Denaburg, Stevan Goozee, Sammye (Sam) Oden Kok, Debra Leo, Rodney Max, William Ratliff, Allen Schreiber, Ken Simon, Brian Turner, and Tom Woodall

Daphne: Sam Crosby

Fairhope: Jim Reid

Huntsville: Danny Banks and Harold Stephens

Mobile: Michael Upchurch

Montgomery/Prattville: Louis Colley, Douglas McElvy, Jim Rives, James Walter

Opelika: Phillip Adams

Any municipality, county, school, organization or party involved in a monument or name dispute can contact Academy Administrator **Mike Ford** for more information or to request a volunteer mediator at michaelford@mediacombb.net.

The Alabama Supreme Court Commission on Dispute Resolution and the Alabama Center for Dispute Resolution gratefully acknowledges the work of Alabama's Pro Bono Neutrals.

Sara Baker
Johnna Baker
Robert Barr
Alyssa Enzor Baxley
Nettie Blume
Sarah Bowers
Shirley Brown
Nicholas Bull
Robin Burrell
John Bush
Glenda Cantrell
Margaret Casey
DaLee Chambers
Rosemary Chambers
Jennifer Chambliss
Laura Clemons
Louis Colley
C. Kevin Coonrod
LaShanda Crenshaw
Katie Crow
Kimberly DeShazo
Joseph Druhan
James Fancher
J. Robert Faulk
R.A. "Sonny" Ferguson
Jack Floyd
Cody Foote
Jana Russell Garner
Amy Gentle
Christy W. Graham
Rebekah Graham
Ken Guin
Elizabeth Hand
Toni Hawkins
Ronald Held
Bruce Henderson
Christine Hernandez
Carmen Howell
Ralph Howell
Susan Huffstutler
Stephanie Hunter
Sam Irby
Karen Jackson
Mitzi Johnson-Theodoro
J. Michael Joiner
Claire Tinney Jones
Kristine Jones

Christopher Jones
Christie Knowles
Lee Knowles
Sammy Kok
Cheryl Leatherwood
Kelly Lee
Debra Black Leo
Jeanne Maes
Richard Mauk
Rodney Max
David McAlister
Rebecca McCorkel
George McMillan
Ed Meyerson
Virginia Miller
Daryl Moon
Jameria Moore
Randall Nichols
Dennis O'Dell
James Owens
Hon. Deborah Bell Paseur
Kris Patton
Blake A. Payne
Candace Peoples
Charlotte "Niki" Pierce
A. Riley Powell
Shaun L. Quinlan
Ferris Ritchey
Russell Robertson
Holly Sawyer
Joseph Schreiber
Henry Seawell
Kristina Sexton
Joseph Shaw
Gerald Sills
Matthew Simechak
Donna Smalley
Angeline Sperling
Fred Steagall
Rachel Sullivan
Juliana Taylor
Jerome Thompson
James Turnbach
Michael Upchurch
George Walker
H. Bryan Wallace

James N. Walter
Laura P. Wells
Faith Whidden Buster

Pro Bono Programs

**Cullman Co. District Court
Mediation Program**
Kelly Ann Traver

**Elmore Co. District Court
Mediation Program**
Vicki Bonner Ward

**Madison Co. District Court
Mediation Program**
Marjorie Stellingwerf

**Montgomery Co. District
Court Mediation Program**
Prof. Elyce Morris and the
Faulkner ADR Clinic

**Bibb & Perry Co. Vol.
Mediation Program**
Faith Whidden Buster

**Morgan Co. District Court
Mediation Program**
Linda Buchanan

**Univ. of Alabama Mediation
Program**
Susan Donovan



What's an Ombuds?

The term “ombudsman” (ahm-buhdz-man) is a Scandinavian word, which literally means “representative.” At the most fundamental level, an ombudsman is one who assists individuals and groups in the resolution of conflicts or concerns. There are a number of different titles or names for this position: “ombudsman,” “ombudsperson” or “ombuds”, among others. Ombuds work in all types of organizations, including government agencies, colleges and universities, corporations, hospitals and other medical facilities, prisons and news organizations.

There are different types of ombuds with different roles, functional responsibilities and standards of practice including organizational ombudsman, classical/public sector ombudsman, advocate ombudsman and an array of federal ombudsman. The standards of practice and functional responsibilities vary among the different types of ombuds.

The organizational ombudsman is defined as a designated neutral who is appointed or employed by an organization to facilitate the informal resolution of concerns of employees, managers, students and, sometimes, external clients of the organization. The classical and public sector ombudsman, typically appointed by a legislative or executive body, addresses concerns related to the conduct of government agencies. An advocate ombudsman advocates on behalf of a designated population, such as patients in long-term care facilities.

Ombuds help enhance governance, ethics, and risk management strategies, contributing to the overall well-being of public and private organizations, government, and the public community. Accordingly, the ABA Ombuds Committee believes ombuds programs should be an integral part of any conflict management system.

Ombuds Day

The American Bar Association Section of Dispute Resolution (ABA DR) has designated the second Thursday of October as Ombuds Day to coincide with Conflict Resolution Month and as a reiteration of ABA Resolution 103, which provides, “the American Bar Association encourages greater use and development of ombuds programs that comply with generally recognized standards of practice, as an effective means of preventing, managing, and resolving individual and systemic conflicts.”

Ombuds Day is an opportunity to increase awareness and understanding of the various models of ombuds programs, highlight the value ombuds bring to the entities and constituents they serve and encourage greater implementation and use of ombuds programs.



Governor Kay Ivey proclaimed October 8, 2020 as “Ombuds Day” in Alabama. The proclamation encourages citizens of Alabama to become familiar with the ombuds profession and the professional in this role across sectors, and to make use of these essential services as needed.

Free 60-minute webinar on October 20, 2020 at noon (CDT).

This is a great opportunity for you to learn about the “**Alabama Department of Labor (ADOL) Workers’ Compensation Division Ombudsman Program.**”

Our panelists include ADOL Ombuds John Lewis, Patricia Fraley, Robert Thomas, Patrick Pendleton and Theodore Roose. During the webinar you’ll learn about this free service, the role of the ombudsman, what a benefit review conference is, how to request participation in the Workers’ Compensation mediation program and what to expect from mediation. Register for this meeting by October 15th at:

<https://zoom.us/meeting/register/tJ0qc-iupjgtGtSXhvUkqQCII10WcNQRlafic>

Alabama Mediators Adapt During the Covid-19 Pandemic

Approximately 76 registered neutrals and members of the Alabama State Bar's Dispute Resolution Section took advantage of a free 2.5 online mediation training course taught by Susan Guthrie with LearntoMediateOnline.com on June 26th. Susan is a recognized expert in this area. One of the essential qualities of a mediator is professional competence. The Center sponsored this free training (normally \$297 per attendee) to enhance their competence and provide them with knowledge to strengthen their practice during the pandemic. For more information about online mediation visit www.learntomEDIATEonline.com or www.mediate.com.

Adapting to the use of technology in the justice system also meant that attorneys should be able to adequately assist litigants. Thanks to the efforts of attorney-mediators Elizabeth McGlaughn, Allen Schreiber and R. Boyd Miller over 114 attorneys and others learned "how to get the best experience from online mediation" during a free one-hour webinar on September 17th. This webinar is included with the Alabama State Bar's On-Demand CLE program. You may also view the webinar at www.alabamaadr.org.

Here are some "**Tips for Obtaining a Good Experience with Online Mediation**" along with a "final word" prepared by Boyd Miller, Elizabeth McGlaughn and Allen Schreiber from their September 17th webinar.

1. Educate Yourself – If you have not had experience with online mediation, you should download and practice with the Zoom app before the mediation. Learn how to mute your microphone and send chat messages. Again, there are excellent video tutorials, such as Clare Fowler's 29-minute video titled "Mediating With Zoom" at www.Mediate.com that can be accessed and viewed for free.
2. Educate Your Client – Defense attorneys handling matters defended by insurers will find that most claims professionals already have a lot of experience mediating by Zoom. However, some defendants are not insured and may have no experience with mediations or mediating by Zoom. Plaintiffs' attorneys are likely to find that their clients either have no experience with ZOOM or have only limited experience with Zoom. For that reason, the attorneys, or someone from their staff, should hold a conference with clients well in advance of the mediation to discuss the purpose of mediation, the mediation process, and how the client can set up and attend the mediation via Zoom. The client needs to understand that a secure internet connection will be needed. Also, it should be emphasized to the client that **THE MEDIATION SESSION IS CONFIDENTIAL, THAT NO ONE SHOULD BE ALLOWED TO EAVESDROP, AND NO RECORDINGS ARE PERMITTED**. The client should be told that public Wi-Fi should not be used for remote attendance at the mediation. Clare Fowler has a nine minute video tutorial styled "Introducing Zoom to Your Clients" at www.Mediate.com that may be helpful to have clients review in advance of the mediation.
3. Have Alternative Means of Communicating – Failure of the Zoom process can happen due to a variety of reasons, e.g. poor internet connection, unfamiliarity with use of Zoom, etc. The mediator will almost certainly have requested the cell phone numbers of the attorneys so they can be reached in the event of a process failure. In turn, the attorneys should have cell phone numbers of their clients **AND CLAIM PROFESSIONALS** so they can be reached throughout the mediation.
4. Prepare for the Mediation in Advance – Experienced attorneys know it is important to prepare for a mediation session in advance. This is especially so for an online mediation. In the event the attorney plans on using demonstrative exhibits and documents during the mediation session, consideration should be given to supplying the exhibits or documents to the other participants in advance of the mediation session. That way everyone can have access to information as the mediation progresses.

A FINAL WORD

Anyone who has not previously participated in an online mediation should not be reluctant to start now. All of us are still in some stage of the learning process, so feel free to jump in and learn with the rest of us! Hopefully, COVID-19 will be beaten and gone soon. But online dispute resolution is clearly here to stay.

Parents are Forever Family Mediation

The Parents are Forever Family Mediation provides a free family mediator to parents undergoing an initial divorce who have minor children. The gross family income must be less than \$60,000.00. This court ordered mediation program uses registered family mediators with the Alabama Center for Dispute Resolution. The parents agree to work with the registered family mediator to develop a financial plan and a parenting plan which was subject to judicial review. Parents will always remain parents to their children and focusing on future provision and reduced conflict is so important. Forty-eight Alabama counties have participated in the program. Judges order the parties into the program.

This program began in 2013. Since that time 904 families have been referred to the program with 773 families completing mediation. 70.1% of the cases settled, 23.5% did not settle, and 6.4% partially settled. Parental feedback about the work of the mediators and the program continues to be overwhelmingly positive.

When asked what did you like best about the mediation, comments included:

“It prevented more time and resources from being spent unnecessarily.”

“Calm, comfortable, relaxed.”

“Our mediator helped us settle our case when I did not think it was possible.”

The Parents are Forever Family Mediation program continues thanks to funding from the Alabama Supreme Court and the Alabama Civil Justice Foundation. For more information contact the Alabama Center for Dispute Resolution at (334) 356-3802.

Mark Your Calendar: The Alabama Appellate Mediation Office and the Alabama Center for Dispute Resolution will conduct Appellate Mediation training in 2021. This 6.8 hour course will be offered on **November 18, 2021**. Look for more information in 2021 on the training calendar of the Alabama Center for Dispute Resolution at www.alabamaadr.org.

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The Alabama Center for Dispute Resolution, Inc. (the Center) is a 501(c)(3) and is a registered charitable organization with the Alabama Office of the Attorney General (18-509). The Center develops, implements, administers, assists and manages alternative dispute resolution programs in the courts, neighborhoods, educational facilities and government agencies within the State of Alabama.