



### OCTOBER IS A TIME TO CELEBRATE

The Center is delighted to join with the Alabama State Bar in recognizing and celebrating the pro bono efforts of the legal community during the month of October. Many of our registered neutrals are lawyers who generously share their time and talents to help improve our system of justice, our communities and clients.

We also celebrate with the American Bar Association the contributions of mediators during the 3<sup>rd</sup> week of October. This year we were honored to join Governor Kay Ivey as she proclaimed the week of October 17 – 21, 2022 as “Mediation Week.” Alabama recognizes the great need to promote mediation as a means for litigants to resolve their cases by agreement rather than requiring the court’s resources for a resolution and highlights the contributions of the Alabama Supreme Court Commission on Dispute Resolution, the Alabama Center for Dispute Resolution, the Dispute Resolution Section of the Alabama State Bar, state agencies, community-based mediation programs and pro bono mediation programs.



Pictured with Governor Kay Ivey at the Proclamation Signing Ceremony for “**Mediation Week**” on October 3<sup>rd</sup> are Bradley Edmonds with the Alabama Court of Civil Appeals Mediation Office; James N. Walter, Jr., Chair of the Alabama Supreme Court Commission on Dispute Resolution; Tom Corbett, Chair of the Dispute Resolution Section of the Alabama State Bar; and Eileen Harris, Executive Director of the Alabama Center for Dispute Resolution. The proclamation may be viewed at <https://governor.alabama.gov/newsroom/2022/10/mediation-week-5/>

The American Bar Association Section on Dispute Resolution recognizes the important role of ombuds on the 2<sup>nd</sup> Thursday of October. This year we were pleased to have representatives of the Alabama Department of Labor Ombudsman program and the Alabama Department of Senior Services State Office of Long-term Care Ombudsman Program join with us as Governor Ivey proclaimed October 13, 2022 at “Ombuds Day” in Alabama. The primary goal of Ombuds Day is to improve public awareness of those who serve as ombuds and to educate the public about their role; explain the wide variety of services that ombuds provide; encourage greater use of ombuds programs and services; and highlight the value ombuds bring to the institutions and constituents they serve. The concept dates to 1809, when Sweden appointed an independent official known as an ombudsman to investigate complaints against government officials and agencies. This year’s theme is “Resilience, Respect, Resolve.” To read the proclamation visit <https://governor.alabama.gov/newsroom/2022/10/ombuds-day-3/>



Pictured with Governor Kay Ivey at the Proclamation Signing Ceremony on October 3<sup>rd</sup> to recognize “**Ombuds Day**” are John Lewis, Bradley Edmonds, Lakeshia Simmons-Smith, Tammy Holman, Virginia Moore-Bell, James N. Walter, Jr., Tonya Denson, Eileen Harris, Ted Roose and Gerald Stringer.

## Congratulations to the Officers of the Dispute Resolution Section of the Alabama State Bar

Chair: Thomas “Tom” Corbett  
Vice Chair: Jon Lewis  
Secretary: Steven Gregory  
Treasurer: Allen Schreiber  
Immediate Past Chair: Eileen Harris  
Members at Large: Frances Nolan, Alison Herlihy, Honora Gathings

To learn more about the Section and/or to contact officers, visit:  
[https://alabamaadr.org/web/about\\_dispResSec/index.php](https://alabamaadr.org/web/about_dispResSec/index.php)

The Center and the Dispute Resolution Section maintain an excellent working relationship and we look forward to an exciting year ahead.

The Dispute Resolution Section has vibrant committees and they have put together a 12-month series on “**Improving Your Mediation Skills.**” Each 3<sup>rd</sup> Thursday of the month at noon the Section is hosting with the Center a free webinar on various ADR topics.

October 20 <sup>th</sup>	Bracketology in Mediation
November 17 <sup>th</sup>	Confronting Biases
December 15 <sup>th</sup>	Reframing
January 19 <sup>th</sup>	Overcoming Challenges with Zoom Mediations
February 16 <sup>th</sup>	Marketing Your Mediation Practice
March 16 <sup>th</sup>	Dealing with Impasse
April 20 <sup>th</sup>	How to Deal with Difficult People in Mediations
May 18 <sup>th</sup>	Anchoring
June 15 <sup>th</sup>	Confidentiality and Other Ethical Concerns in Mediation
July 20 <sup>th</sup>	Collaborative Practice of Law: the ABC’s
August 17 <sup>th</sup>	How to Get the Best Experience out of Domestic Mediation

Join us **October 20, 2022 at noon for Bracketology in Mediation.** Our presenters include Allen Schreiber with Schreiber Dispute Resolution and Bruce Rogers with Bainbridge, Mims, Rogers & Smith.

**Register in advance for this webinar:**

[https://us02web.zoom.us/webinar/register/WN\\_WrujPXLvRFaGpnYQ0dcbYg](https://us02web.zoom.us/webinar/register/WN_WrujPXLvRFaGpnYQ0dcbYg)

After registering, you will receive a confirmation email containing information about joining the webinar. This course has been approved for 60 minutes of MCLE credit by the Alabama State Bar.

### **Free 60-minute CLE on “Appellate Mediation: How to Get the Best Experience for You and Your Client” October 19, 2022 at noon**

Moderator: Claire Veal, Esq.

Panelists: Sam Irby, Esq.

Sally Bowers, Esq.

Charles Denaburg, Esq.

Jimmy Walter, Esq.

Michelle Ohme, Supreme Court Appellate Mediation Office

**Register in advance for this webinar:**

[https://us02web.zoom.us/webinar/register/WN\\_vRKd2uWgSpC0KH6KLABi1Q](https://us02web.zoom.us/webinar/register/WN_vRKd2uWgSpC0KH6KLABi1Q)

After registering you will receive a confirmation email containing information about joining the webinar.

Approved for 60-minutes of MCLE credit by the Alabama State Bar.

*Sponsored* by the Montgomery County Bar Association and the Alabama Center for Dispute Resolution

## MEDIATION CLASSES – FALL 2022

### From MediationCLE

General/Civil (20-hour) Mediation Training	October 13 - 15, 2022
General/Civil (20-hour) Mediation Training	December 1 - 3, 2022
Divorce and Family (40-hour) Mediation Training	November 3 - 7, 2022
Domestic Violence in Mediation	December 5 - 6, 2022
Master Mediator's Forum	November 2, 2022
Building a Profitable Mediation Practice	December 7, 2022
Advanced Mediation Training Seminar	December 8 - 9, 2022

Visit [mediationcle.com](http://mediationcle.com) for more details and registration information.

### From Alabama Mediation Training

Negotiations	October 20, 2022
General/Civil Mediation Training	November 16, 2022
General/Civil Mediation Training	November 30, 2022
General/Civil Mediation Training	December 14, 2022

Visit [alabamamediationtraining.com](http://alabamamediationtraining.com) for more details and registration information.

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## RECENT DECISIONS ALABAMA APPEALS COURTS

### The Lem Harris Rainwater Family Tr. v. Rainwater (Ala.2022)

#### Chief Justice Parker

This case returns to this Court as an appeal in ongoing litigation among four siblings regarding family trusts. Charles Edward Rainwater, Jean Rainwater Loggins, The Lem Harris Rainwater Family Trust, and the Rainwater Marital Trust appeal a final judgment of the St. Clair Circuit Court enforcing a settlement agreement in the litigation. They challenge three aspects of the judgment: its enforcement of the settlement agreement, its denial of a motion to dissolve a prior order enforcing the settlement agreement, and its denial of a motion to quash a garnishment. Because the court failed to hold an evidentiary hearing on enforcement of the settlement agreement, because the prior enforcement order was improper, and because any award on which the garnishment could have been based is being reversed, the court reversed the judgment as to all three aspects.



## FREE FAMILY MEDIATION PROGRAM AVAILABLE TO QUALIFIED FAMILIES THROUGH COURT-ORDERED MEDIATION

The **Parents are Forever Family Mediation Program** provides a *free* family mediator to parents undergoing a divorce, a CS case or a custody modification 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 the future and reduced conflict is important. Fifty Alabama counties have participated in the program. Alabama judges may order the parties into the program or the parties may ask the court to refer them to mediation under the program. This is made possible thanks to funding from the Alabama Supreme Court. For more information contact the Center at (334) 356-3802.

## ALABAMA FIRST LANDLORD TENANT MEDIATION PROVIDES FREE MEDIATION SERVICES TO LANDLORDS AND TENANTS

Through the Alabama First Landlord Tenant Mediation Program landlords and tenants work with a *pro bono* mediator on unlawful detainer cases, eviction cases and/or landlord/tenant disputes. Mediators participating in the program must be registered with the Alabama Center for Dispute Resolution to participate in this court-ordered mediation program. This means the mediator has completed a 20-hour and/or 40-hour mediation training course and agrees to comply with the Alabama Code of Ethics for Mediators as well as the Alabama Civil Court Mediation Rules.

Landlord/Tenant mediators may be found at [www.alabamaadr.org](http://www.alabamaadr.org) under the heading Mediators/Arbitrators and using the term “Landlord/Tenant” in the search field for practice area.

If an agreement is reached it is presented to the court. If no agreement is reached the parties will have a trial.

Mediators send a copy of the order to mediation to the Center to obtain a unique case number. The Center sends the mediator an invoice to get paid, a confidential case report and participant feedback forms. These documents are *not* filed with the court. Mediators are paid at an hourly rate of \$100 for no more than two hours of mediation. Any time in excess of two hours is counted as *pro bono* time.

Funding for this program is made possible through grants from the Alabama Law Foundation, the Alabama Civil Justice Foundation and the Alabama Access to Justice Commission. Funds are available through May 2023 on a first-come, first-served basis.

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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.