



Alabama Center for Dispute Resolution Awarded Pro Bono Mediation Grants

This is a reminder that the Alabama Center for Dispute Resolution administers grant programs that could provide free mediations for some of your divorce/custody, foreclosure prevention/mortgage modification litigation, landlord tenant cases as well as probate court cases. Below are the details for each program. If you have any questions about this or any other mediation matter, please do not hesitate to contact Eileen Harris, director of the Center, at (334) 356-3802 or by email at director@alabamaadr.org.

Divorce and Family Mediations (funding provided by the Alabama Supreme Court)

- a. The Parents are Forever Family Mediation Program provides a valuable service to parents who are either divorcing or parents who have never been married who have minor children in common. Types of cases: divorce, initial CS (Custody/Child Support) case or a custody modification. Contempt cases are *not* allowed. The gross annual family income must be less than \$60,000.
- b. The Center has funding to pay registered family mediators to work with the parents to develop a parenting plan and a financial plan subject to judicial review in this court-ordered mediation program.
- c. Mediators are paid by the Center (\$150 for the first four hours; afterwards, they are paid \$125 hour for the next four hours. The maximum a mediator may be paid is \$1,100).
- d. Mediators must also give pro bono time.
- e. This is court-ordered mediation.
- f. The mediator must send the order to referral to the Parents are Forever Family Mediation Program prior to conducting mediation. The Center will then email the mediator the invoice form to get paid, a confidential case report and the participant feedback form. These forms are not filed with the court and are sent to the Center to pay the mediator and prepare statistical reports for the funder.

Foreclosure Prevention and Mortgage Modification Mediations (funding provided by the Alabama Law Foundation)

- a. Any case that jeopardizes a homeowner's ability to pay their mortgage
- b. This is court-ordered mediation.
- c. The Center sends a report form to the mediator to get paid. The Center pays the mediator at a rate of \$150 per hour for up to eight hours. Participants must be at or below 250% of the federal poverty level. The property in question must be the homeowner's primary residence. The order states that participants contact the Alabama State Bar Volunteer Lawyer Program (VLP) which conducts an income eligibility check. If the party is income eligible, the Alabama State Bar VLP refers the case to a registered mediator who has completed a specialized foreclosure mediation training program approved by the Alabama Center for Dispute Resolution.

Alabama First Landlord Tenant Mediation Program (statewide) (funding provided by the Alabama Law Foundation)

- a. This is court-ordered mediation.
- b. Mediators must be registered with the Alabama Center for Dispute Resolution.
- c. The Center pays mediators \$100/hour for no more than two hours of mediation services. Mediators must also give pro bono time.
- d. Mediators must send the order to mediation to the Center (preferably prior to mediation). The Center will assign the case a unique case number and send the following forms to the mediator (an invoice to be paid, confidential case report, and participant feedback forms). These forms are not filed with the court.

(Continued on Page 2)

(Pro Bono Mediation continued from page 1)

Alabama Probate Court Mediation Program (funding provided by the Alabama Law Foundation).

1. The Center was awarded a \$50,000 grant for mediation in Alabama Probate Courts.
2. Court-ordered mediation where the court has determined a party is low-income AND
 - a. will contest/ dispute, or
 - b. conservatorship, or
 - c. guardianship, or
 - d. condemnation, or
 - e. any other probate matter determined by the Probate Court where mediation might be helpful to the parties.
3. Mediators must be registered with the Alabama Center for Dispute Resolution.
4. The mediator must send the order to referral to the Probate Court Mediation Program prior to conducting mediation. The Center will then email the mediator the invoice form to get paid, a confidential case report and the participant feedback form. These forms are not filed with the court and are sent to the Center to pay the mediator and prepare statistical reports for the funder.
5. Mediators must also give pro bono time.
6. Mediators are paid \$125 per hour for no more than eight hours of mediation services.

These programs are funded by grants and/or contracts and are funded on a *first-come, first-served* basis.

The Center is hosting a free 60-minute webinar on Pro Bono Mediation in Alabama to share information on these programs on August 31, 2023 at noon. Pre-register for the webinar by August 30th. After registering you will receive instructions on how to access the webinar. The webinar has been approved for 60 minutes of MCLE credit by the Alabama State Bar.

Register *in advance* for the webinar at

<https://us06web.zoom.us/meeting/register/tZ0vcuCtrDIqGdEfTtJPtLEYkxrctfdCa6sI>

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

MEDIATION TRAINING—2023

From MediationCLE

Domestic Relations Mediation Training (40-hour)	September 8 - 11, 2023
Domestic Violence in Mediation (14-hour)	September 12 - 13, 2023
Civil Mediation Training (20-hour)	September 21 - 23, 2023
9 Strategies for a Successful 6-Figure Mediation Practice	September 25, 2023
Reaching Resolution	September 26, 2023
Domestic Relations Mediation Training (40-hour)	November 2 - 5, 2023
Civil Mediation Training (20-hour)	December 7 - 9, 2023

Visit mediationcle.com for more details and registration information.

From Alabama Mediation Training

Domestic Relations Mediation Training (40-hour)	September 18 - 21, 2023
Domestic Violence in Mediation (14-hour)	October 5 - 6, 2023
Civil Mediation Training (20-hour)	November 1 - 3, 2023
Advanced Mediation	December 7, 2023
Negotiations	December 14, 2023

Visit alabamamediationtraining.com for more details and registration information.



From the Desk of the Alabama State Bar Dispute Resolution

Chair Jon Lewis

One thing we all notice as we age is that time moves faster and faster. It is hard to believe I have practiced law for over 30 years and that I have already been a registered mediator for six years. When I was in law school, I don't recall anyone ever mentioning alternative dispute resolution. It first came to my attention when I was working with my father, and his view? "What do I need a mediator for? I've been settling cases for years without any help." In fact, in 1990, I clerked at Najjar Denaburg, and Rod Max was an attorney at the firm, and we never discussed mediation.

Well, we have come a long way since then. Rod is often considered the father of Alabama mediation, and we have seen the benefits of the process. Even my father came to appreciate it. Mediation has helped so many people and companies avoid the stress and time of litigation. We have also helped in a pro bono capacity with landlord/tenant cases and probate cases. But we can do so much more, and our section can help foster the growth.

I am honored to serve as Chair of the section this year, and I look forward to working with the other board members and our section to build on what our predecessors have accomplished. Our CLE webinar programs have been a resounding success, and we plan to continue those beginning with Allen Schreiber's and Harold Stephens' Ethics in Mediation on September 27th at noon. In addition, we will hopefully have at least two National speakers, Natalie Armstrong Motin and Ava Abramowitz, discuss marketing in mediation as well as applying sales strategies to mediation (SPIN). Both are dynamic, and should be well received. If you have any other suggestions, please let us know.

In 2024, we are looking forward to celebrating the 30-year anniversary of the Alabama Center for Dispute Resolution. In furtherance of that celebration, we are hopeful that the Editor of the Alabama Lawyer, Greg Ward, will devote the July 2024 or September 2024 issue to Mediation topics.

We plan to have presentations at both the Alabama State Bar Mid-Winter meeting as well as the Annual Meeting. We had two great presentations last year, and we look to continue that tradition this year. Please let us know if you would like to help in these endeavors. Another idea we have had is presenting at other association meetings such as the Alabama Association for Justice and the Alabama Defense Lawyers Association.

As part of planning these programs, our section currently has three committees:

- Continuing Education Standing Committee
- Public Outreach Standing Committee
- Publications Standing Committee

We are looking for members to participate on each committee and develop a plan for 2023-2024. Please let me or any of the other board members know if you have an interest on participating on these committees, or feel free to use our listserv: dispute-resolution@listserv.alabar.org.

As we all know, time moves fast, and this year will be no different. The 2024 Alabama State Bar Annual Meeting is already set for June 26-June 29. That's less than eleven months away. We have a lot of work to do before then to make this year one of the best ever for our section. I'm looking forward to it, and I hope you will join the effort.



APPELLATE MEDIATION TRAINING REGISTRATION FORM



JOIN US FOR APPELLATE MEDIATION TRAINING

November 16, 2023

Sponsored by the Alabama Center for Dispute Resolution and
the Alabama Appellate Mediation Office

In order to register to be on the Appellate Roster, an attorney must be registered on the Alabama State Court Mediator Roster maintained by the Alabama Center for Dispute Resolution. If you have not taken the 20 or 40 hour mediation course(s) required for the State Court Mediator Roster you may still take this course then follow up with one of those courses.

NAME TO APPEAR ON NAME BADGE AND TABLE CARD:

FIRM:

ADDRESS:

TELEPHONE:

FAX:

E-MAIL:

ALABAMA STATE BAR NUMBER:

Special Needs/Dietary Restrictions:

Please note if you have any dietary restrictions or need special seating placement.

Trainers: Jim A. Rives, Esq., Ball, Ball, Matthews & Novak, PA
R. Boyd Miller, Esq.

DATE: November 16, 2023

PLACE: Alabama State Bar, Board Room
415 Dexter Avenue
Montgomery, AL 36104

TIME: 8:30 a.m.— 9:00 a.m. Sign In
9:00 a.m.— 4:35 p.m. Program (Lunch will be provided).

CLE: This course is approved for 6.8 hours of MCLE credit (including 1 hour of Ethics) by the Alabama State Bar.

COST: \$400 per attendee. (If you are a registered mediator with the Alabama Center for Dispute Resolution you may deduct \$50 from the course registration fee).

To reserve your spot, please return this registration form by October 15, 2023 with a check made payable to the Alabama Center for Dispute Resolution, P.O. Box 680516, Prattville, AL 36068. When the class is full, we will have a waiting list. **NO REFUND IF CANCELLATION IS RECEIVED ON OR AFTER NOVEMBER 1, 2023.**

Visit www.alabamaadr.org to download the registration form.

Congratulations to the 2023-2024 Officers of the Dispute Resolution Section of the Alabama State Bar

Chair: Jon Lewis
Vice Chair: Allen Schreiber
Treasurer: Steven Gregory
Secretary: Honora Gathings
Immediate Past Chair: Tom Corbett
Members at Large: Frances Nolan, Lang Floyd, Joan-Marie Sullivan

To learn more about the Section, to get more involved, or to contact officers, visit: https://alabamaadr.org/web/about_dispResSec/index.php

The Center and the Dispute Resolution (DR) Section maintain an excellent working relationship and we look forward to an exciting year ahead. The DR Section is continuing the “**Improving Your Mediation Skills**” series with monthly noontime webinars.

September 27, 2023 Mediator Ethics with Harold Stephens and Allen Schreiber
This is for mediators only. Register by September 26th for this meeting:
[https://us06web.zoom.us/meeting/register/tZUtcuyvqD0sHdPc_OhKUU91t3BqnlF2_OIK](https://us06web.zoom.us/join/91161912736?pwd=ZU9hbnR5bWp5d0sHdPc0hKUU91t3BqnlF2Oik)

October 19, 2023 Marketing Resolution with Natalie Armstrong Motin
Register by October 18th for this meeting:
[https://us06web.zoom.us/meeting/register/tZwodOytrjgsGNcIT-Ew4uiuK-qboEArqPjr](https://us06web.zoom.us/join/91161912736?pwd=ZU9hbnR5bWp5d0sHdPc0hKUU91t3BqnlF2Oik)

November 26, 2023 Mediation Impasse with Ava Abramowitz

You can now view the previously recorded DR Section webinars on-line (but not for CLE credit):

“Dealing with Difficult People in Mediation” conducted on May 4, 2023 with Jon Lewis and Tom Corbett at https://alabamaadr.org/web/media/video_Mediation_Difficult_People.php

“Anchoring in Mediation – Mediating in the Post-COVID Era” held May 18, 2023 with Rod Max and Allen Schreiber at https://alabamaadr.org/web/media/video_Mediation_Post-COVID_Era.php



The morning of July 13th kicked off with panelists Frances Ross Nolan, Virginia Miller, Emily Bonds Davey and Lynn Hogewood discussing empathy in mediation. The session included a role play demonstration and a debrief with audience participation to reinforce the concept.

ALABAMA STATE BAR ANNUAL MEETING JULY 2023

Thank you to the Alabama State Bar for an excellent Annual Meeting in Point Clear, Alabama. Thank you to everyone who stopped by the Center’s booth in the exhibit hall to learn about ADR activities across Alabama. We had a great time visiting with you! Many thanks to the ASB Dispute Resolution Section under the leadership of Tom Corbett for co-sponsoring with the Center a program on “The Importance of Empathy in Mediation” on July 13th.



DECISIONS FROM ALABAMA APPEALS COURTS

***Communications Unlimited Contracting Servs. v. Clanton*, 1210120 (Ala. Dec. 16, 2022).**

The court reversed a circuit court's decision to remand an arbitration award to the arbitrator after more than three months had passed from the award. The Alabama Supreme Court determined that the motion for modification of the arbitration award was untimely filed and that the subject matter of the remand (ownership of the entity) was beyond the original arbitration award which dealt with monetary claims, and clarification was not warranted.

***Valerio's Auto Sales, Inc. v. Audriana Flowers*, No. 1210295 (Ala. Oct. 21, 2022)**

Plaintiff sued car dealer claiming it had wrongfully attempted to repossess her vehicle, car dealer moved to compel arbitration based on an arbitration provision in the contract. Plaintiff signed a contract to purchase the car which contained an arbitration provision. Plaintiff never submitted any argument or evidence to the trial court opposing arbitration. The trial court denied the car dealer's motion for arbitration and did not state its rationale for the denial. The Alabama Supreme Court reversed the trial court's judgement and remanded the case to the trial court to enter an order staying the court proceedings and compelling arbitration in accordance with the terms of the parties' contract.

***Escapes! To the Shores Condominium Association, Inc. v. Hoar Construction, LLC*, 1210378 (Ala. Feb. 17, 2023)**

Both parties were provided full opportunity to present evidence and arguments to an arbitration panel. The Alabama Supreme Court found that the arbitration panel's decision not to reopen discovery for a search for additional evidence did not rise to the level of misconduct under 9 U.S.C. §10(a)(3) nor did it yield a fundamentally unfair hearing under the FAA.

***Taylor v. Methodist Home for Aging*, SC-2022-0681 (Ala. May 12, 2023).**

Personal representative of decedent appealed a denial of Rule 59(e), Ala.R.Civ.P. motion seeking to vacate an arbitration award entered in favor of home for the aging. Personal representatives brief asserted "partiality" as a basis for vacating the arbitration award. Personal representative did not submit to the circuit court any allegation of bias or partiality on the part of the arbitrator, nor did she present any evidence "that gives rise to an impression of bias that is direct, definite, and capable of demonstration, as distinct from a 'mere appearance' of bias that is remote, uncertain, and speculative. The Alabama Supreme Court affirmed the trial court's decision because the personal representative failed to demonstrate a recognized bias under 9 U.S.C. §10 for vacating the arbitration award.



L-R Linda Lund, ASB VLP Director, Jon Lewis, and Terri Lovell, ASB Director.

ALABAMA STATE BAR RECOGNIZES 2023 PRO BONO MEDIATOR AT THE 145TH ANNUAL MEETING

Jon Lewis provides pro bono mediation services through the Alabama First Landlord Tenant Mediation Program. This program, which began during 2022, provides free mediation services to landlords and tenants for evictions, unlawful detainers and any landlord/tenant dispute. It is administered by the Alabama Center for Dispute Resolution thanks to grants from the Alabama Civil Justice Foundation and the Alabama Access to Justice Commission. Judges Grant, Davis and Cook have ordered landlords and tenants to mediation in Jefferson County under the program. Jon is a regular pro bono mediator. He has mediated eleven cases for eleven landlords and 21 tenants.

Jon Lewis was also instrumental in promoting mediation awareness to mediators, attorneys and the public. He served as an instructor/panelist on three free 60-minute webinars which were co-sponsored by the Alabama Center for Dispute Resolution and the Dispute Resolution Section of the Alabama State Bar. The webinars were on: 1) Confronting Bias in Mediation; 2) Marketing Your Mediation Practice; and 3) Dealing with Impasse in Mediation (he presented and served as moderator). Two hundred sixty-eight lawyers, mediators and others took advantage of the free continuing legal education events. Congratulations Jon!



Alabama Supreme Court Commission on Dispute Resolution Member **Michael Upchurch** was on a mediation panel in a presentation for the **Alabama Young Lawyers** in Orange Beach on **May 19th** with **Al Vance** and **Jim Rives**. They had an interactive session with the lawyers that was a lot of fun. **Devan Byrd** of Hare Wynn was the moderator.



Jefferson County District Court Judge Martha Reeves Cook joined volunteer mediators in the District Court for an appreciation breakfast on January 25, 2023. The mediators help pro se litigants with small claims disputes.

Thank you Pro Bono Neutrals—2022

Cassandra Adams
Stephanie Bain
Johnna Baker
Dorothy Barker
Nettie Blume
Sarah Bowers
Margaret Casey
Louis Colley
Samuel Crosby
Katie Crow
Rudene Crowe
Latrice Dawson-Chaney
Tonya Denson
Kimberly DeShazo
Scott Donaldson
Susan Donovan
Kathryn Eldridge
Christine Evangelides Dodd
James Fancher
Charles Fleming
J. Langford Floyd
Patricia Fraley
Louis Geiger
Randy Gibson
Rebekah Graham
Brett Granger
Sandra Gregory
Christine Hernandez
Susan Huffstutler
Haley Iverson
Kesa Johnston
J. Michael Joiner
John Kelly
Rhonda Kinard
Ross Kinder
Nancy Kirby
T. Cowin Knowles
Cheryl Leatherwood
Kelly Lee

John Lewis
Jon Lewis
Kameisha Logan
Robert Lusk
Larry Madison
Rodney Max
Lynn McConnell
John McCune
George McMillan
Sonia Merchant Mawani
R. Boyd Miller
Phil Mitchell
Samuel Monk
Joshua O'Neal
Aston Ott
James Owens
Hon Deborah Bell Paseur
Patrick Pendleton
Daniel Phillips
Laura Powell
Kenneth Raines
Ferris Ritchey
James Rives
Theodore Roose
Samantha Rush
Malik Sanders
Holly Sawyer
Yvonne Saxon
Joseph Allen Schreiber
Melissa Schultz-Miller
Gerald Sills
Janine Smith
Moriah Smoot
Fred Steagal

Gerald Stringer
John Swiney
Robert Thomas
Kelly Ann Traver
Michael Upchurch
George Van Tassell
Michael Walls
James Walter
Brad Wash
Faith Whidden Buster



The Center was delighted to co-present with Judge Martha Reeves Cook during the Circuit and District Judges Conference on July 11, 2023. We shared information on *pro bono* mediation programs in Alabama thanks to contracts and grants from the Alabama Supreme Court, the Alabama Access to Justice Commission and the Alabama Law Foundation. These programs are free for qualified litigants. The grant funds allow litigants to work with a free mediator while the Center pays registered mediators at a reduced rate.

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 third week of October. 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.

We join with the American Bar Association Section on Dispute Resolution to recognize the important role of ombuds on October 12th.

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www.facebook.com/alabamaadr



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.