



## INSTRUCTIONS FOR COMPLETING DISPUTE RESOLUTION PANEL APPLICATION

Those applying for appointment to the Dispute Resolution Panel must

- complete the required application form;
- agree to abide by the Ethical and Practice Standards for ADR Panel Members;
- donate the requisite number of *pro bono* hours or cases per year; and
- agree to comply with all of the Superior Court of California, County of Solano ADR program rules, regulations, policies and procedures.

### **PURPOSE:**

The Superior Court of California, County of Solano provides a list of ADR panelists to litigants in general civil cases as defined in rule 1.6 of the California Rules of Court. To maintain public confidence, minimum standards have been established for the court's four ADR Panels. These standards are intended to help promote the prompt resolution of civil cases in a fair and respectful manner.

### **QUALIFICATIONS:**

All applicants must meet the *minimum general education* and *experience* qualifications:

- Have a high school diploma or GED, and at least four years of subsequent work or volunteer experience, or four years of college coursework.
- Have completed a program on the court system and civil litigation that covers the topics required by the court. *Individuals who have a law degree, are licensed to practice law in any state, or have a paralegal certificate are exempt from this requirement.*

Applicants may apply for one or more panels by completing the application. Each ADR process has its own specialized education and experience qualifications.

### **MEDIATION PANEL**

**A.** Anyone applying for the Mediation Panel must meet the general education and experience qualifications, and must have successfully completed one, continuous 40-hour, civil mediation course that at a minimum meets the following requirements:

- Conflict, communication and mediation theory,
- Stages of the mediation process,
- Mediation and communication skills and techniques,
- Mediator ethics,
- The law governing mediation, including mediation confidentiality,
- The Rules of Conduct for mediators in Court-Connected Mediation Programs for civil cases, including culture and gender issues encountered in mediation,
- Issues concerning the role of mediators in the preparation of mediated agreements,
- Observation of mediation demonstrations or videos of the mediation process, and

- Actual roleplay experience, including at least two roleplays as the mediator, with at least one of those roleplays at least 1 hour in length.

**B.** Every applicant for the Mediation Panel must have mediated at least *six* civil cases within the last two years that were at least two hours in length.

**C.** If indicating availability to mediate either Civil Harassment or Unlawful Detainer cases, a mediation panel member must attend the court's special case orientation. There is a *separate two-hour* orientation for each of these two types of cases. The ADR Administrator may waive the requirement if the panelist can demonstrate sufficient, recent, experience with these types of cases.

**D.** First time applicants, to the Mediation Panel on or after January 1, 2010, are required to be monitored and mentored on their first two Superior Court of California, County of Solano cases.

**E.** All Mediation Panel applicants are required to complete a *two-hour* orientation sponsored by the court, which covers all aspects of its mediation program.

**F.** At the time of the application for the Mediation Panel, or within 30 days of acceptance to the Mediation Panel, the applicant must provide the ADR Administrator with three written recommendations, or evaluation forms from individuals who participated in mediations conducted by the applicant.

#### **HELPFUL EARLY NEUTRAL CASE EVALUATION PANEL (HENCE)**

**A.** In addition to the general education and experience qualifications, anyone applying for the HENCE Panel must be either:

- A practicing attorney with 10 years of significant legal experience, or
- A retired judge.

**B.** All HENCE Panel applicants are required to complete a *two-hour* orientation sponsored by the court addressing its early neutral evaluation program.

**C.** At the time of the application for the HENCE Panel, or within 30 days of acceptance to the HENCE Panel, the applicant must provide the ADR Administrator with three written references from individuals who have direct experience with the applicants legal skills and abilities.

#### **ARBITRATION PANEL**

**A.** All Arbitration Panel applicants must meet the general education and experience qualifications, and must be either:

- A licensed attorney with 5 years of experience, or
- A retired judge.

**B.** An Arbitration Panel applicant must have successfully completed a continuous three-hour, arbitration course that at a minimum included the following:

- Arbitration process, including distinctions between binding and non-binding arbitration,
- Arbitration ethics,
- Laws governing arbitration and arbitration confidentiality,

- Rules regarding requests for trial *de novo*,
- Issues for arbitrators and drafting of awards, and
- Grounds for overturning an award.

**C.** First time applicants to the Arbitration Panel on or after January 1, 2010, must be monitored and mentored on their first Superior Court of California, County of Solano arbitration case.

**D.** All Arbitration Panel applicants are required to complete a ***two-hour*** orientation sponsored by the court addressing its arbitration program.

**E.** At the time of the application for the Arbitration Panel, or within 30 days of acceptance to the Arbitration Panel, the applicant must provide the ADR Administrator with three written recommendations or evaluation forms from individuals who participated in an arbitration conducted by the applicant, or who have direct experience with the applicant's legal skills and abilities.

#### **SMALL CLAIMS MEDIATION PANEL**

**A.** In addition to meeting the general education and experience qualifications, anyone applying for the Small Claims Mediation Panel must have completed a continuous 25-hour mediation training that meets or exceeds the Dispute Resolution Program Act (DRPA) training requirements that include:

- Minimum of 10 hours of lecture and discussion, addressing the following topics:
  - history of dispute resolution as a problem solving technique and its relationship to the traditional justice system, the DRPA Act and its Regulations;
  - overview of the structure of the California justice system and the traditional methods of processing civil and criminal cases;
  - structure, design, practice and theory of dispute resolution, including role and responsibilities of mediators and distinguishing between binding and non-binding processes;
  - communication skills and techniques, including developing a mediator's opening statement, developing trust, framing issues, taking notes, empowerment, effective listening and clarification skills, and caucus techniques;
  - techniques for achieving agreement, including identifying options and developing consensus; fact patterns for typical small claims cases including landlord/tenant, customer/merchant and neighbor/neighbor cases;
  - administrative and intake procedures; role of attorneys and witnesses; and
  - voluntary nature of process.
- Minimum of ten (10) hours of practical training including role plays of simulated disputes and observations of actual dispute resolution services, including intake procedures.
- Training shall provide for personal assessment and evaluation of the trainee with written verification of dates and times of training attended and completed.

**B.** All Small Claims Panel applicants are required to complete a ***two-hour*** orientation sponsored by the court addressing its Small Claims Mediation program.

C. At the time of the application for the Small Claims Mediation Panel, or within 30 days of acceptance to the Small Claims Mediation Panel, the applicant must provide the ADR Administrator with three written references from individuals who have direct knowledge with the applicant's skills and abilities.

**ADDITIONAL REQUIREMENTS:**

A. An approved ADR Panel member is required to review and perform the *pro bono* requirements as established by the court. The court established these eligibility requirements in cases for litigants to receive, and a process for them to request, ADR services on a *pro bono*. Although these are minimum requirements, the court encourages all ADR Panel members to offer additional *pro bono* services.

- A Mediation, HENCE, or Arbitration panel member must agree to serve on a *pro bono* basis for a minimum of eight (8) hours per year.
- A Small Claims Mediation panel member must agree to mediate six *pro bono* cases per year.

B. All ADR Panel members must complete at least ten (10) hours of continuing education credit, including *one hour* of ethics, during each three-year ADR panel appointment period. Courses must relate to and support a panelist's continued skill improvement as it relates to the chosen ADR process(s), understanding of ethics as it relates to the chosen ADR process(s), and applicable statutes, rules, policies and procedures as they relate to the chosen ADR process(s).

C. To remain on any ADR panel, an applicant must comply with all statutes, rules, policies and procedures adopted by the court and/or its ADR program, including returning case evaluation forms, and updating the ADR Administrator of any changes in information provided on the ADR Panel application.

D. Reapplication is required every three years for continuation on any ADR Panel.

E. Appointment to any of the Court's ADR Program panels is at the sole discretion of the Court.

For more information contact:

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