

# How to Become a Civil Mediator/Arbitrator

## Overview

As a resource and service to the public, Tulare County Superior Court maintains a panel of Civil Mediators/Arbitrators who have:

- Met qualifications set by the court - if as a mediator, either by training or alternative mediator qualifications as set forth below;
- Completed the court's application process;
- Agreed to comply with all applicable ethics requirements and rules of court; and
- Agreed to serve as an ADR neutral on a pro bono or reduced fee basis in at least one (1) case per year, not to exceed 8 hours, if so requested by the court.

## Mediator Qualifications

Qualifications for placement on the Civil Mediator/Arbitrator list as a mediator have been developed by the Court. These qualifications are:

- *Legal Education/Training:* Licensed to practice law in the State of California.
- *Mediation Training:* Potential mediators must have completed 40 hours of mediation training that meets the requirements of (1) and (2) at any time and completed at least 7 hours of continuing or advanced mediation training covering at least one of the topics listed in (1) or (2) within the past two years.
  - (1) At least 32 of the 40 hours of training required under must be in the form of a single, comprehensive, mediation training program. The curriculum for this comprehensive training must include:
    - 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; and
    - Observation of mediation demonstrations and participation in role-playing.
  - (2) The 40 hours of mediation training required must also include training on:
    - The Rules of Conduct for Mediators in Court-Connected Mediation Programs for Civil Cases;
    - Cultural and gender issues in mediation; and
    - Issues concerning the role of mediators in the preparation of mediated agreements.
- *Mediation Experience:* After completion of the 40 hours of mediation training, potential mediators, who have no prior mediation experience, must have completed:

(1) At least two mediations of at least 2 hours in length:

- a. Either co-mediated with a mentor mediator or observed by a mentor mediator; and
  - b. Evaluated by the mentor mediator.
- *References:* Must submit at least two (2) references or evaluations from individuals who participated in mediations conducted by the applicant.
  - *Continuing Eligibility:* Must complete at least seven (7) hours of continuing education/training covering any of the topics listed above in the subheading Training, with (1) hour in ethics, every two (2) years, and upon request, submit proof of the same; and mediate at least two (2) cases per year in the court's mediation program.
  - *Review:* Must review profile information and hourly rate yearly and update the court on any changes. Failure to maintain current information is grounds for removal from the list.

Determination of qualifications to be placed on the court's Civil Mediator/Arbitrator List and/or retention or removal from the list, is at the sole discretion of the ADR Program Coordinators and Presiding Judge of the Tulare County Superior Court.

### **Alternative Qualifications**

An applicant who does not meet all of the training requirements for a mediator above may still qualify for placement on the court's panel if the applicant provides evidence of sufficient education, training, skills, and experience satisfactory to the court's ADR Program Coordinators and Presiding Judge.

### **Arbitrator Qualifications**

Qualifications for placement on the Civil Mediator/Arbitrator list for non-judicial, binding arbitration of civil disputes are: completion of the court-approved application packet; attorney with five (5) plus years of experience in the relevant area of law; and two (2) case participant reference evaluations.

Determination of qualifications to be placed on the court's Civil Mediator/Arbitrator List and/or retention or removal from the list, is at the sole discretion of the ADR Program Coordinators and Presiding Judge of the Tulare County Superior Court.

### **How to Apply**

Application materials are available in the Civil Filing Department of Tulare County Superior Court including the Porterville and Tulare Divisions or on the court's website. A completed application shall include:

- Completed Application Form
- Current resume or Curriculum Vitae
- Completed Mediator/Arbitrator Statement of Agreement
- If applying as a Mediator completed Verification of Civil Mediation/Arbitration Experience, or, if applicable, a completed Alternative Qualification Request Form
- If applying as a Mediator/Arbitrator, verification of mediation training by copy of certificate of completion or letter from the training institution, or if applicable, a completed Alternative Qualification Request Form.

All information provided may be researched and/or verified by the court. Applicants are solely responsible for furnishing and verifying all information provided to the court as well as updating their information as necessary.

Once an applicant has been accepted by the court as a Civil Court Mediator/Arbitrator, the applicant must complete the Mediator/Arbitrator Profile.

#### **Application Process Contact Information**

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