

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 Form](#).

Application Process Contact Information

Name: Sherry Pacillas, ADR Program Coordinator

Address: Tulare County Superior Court
221 S. Mooney Blvd., Room 303
Visalia, Ca. 93277

Phone: (559) 730-5000 Ext. 1358

Fax: (559) 737-4290

E-mail: SPacillas@Tulare.Courts.Ca.Gov

**Superior Court of California
County of Tulare**

Mediator/Arbitrator Application

General Information

Name: _____

Occupation: _____ Employer: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Tele: _____ Fax: _____ Cell: _____ Email: _____

Education

Undergraduate School/College (school, state, degree, date awarded): _____

Graduate/Law School (school, state, degree, date awarded): _____

Attorney Bar #: _____

Other Professional Licensure (licensing agency, state, #): _____

Qualifying Training

(Completion of applicable minimum hours of specified ADR training, attach proof of completion, include institution names, program titles, dates, and hours completed.) _____

Qualifying Experience

(Identify at least two (2) cases mediated by case name, case number, whether agreement or no agreement was reached, a brief summary of the case and length of time in mediation. For arbitration/early neutral evaluation, identify at least two (2) cases decided or evaluated, case name, case number (if any), and a brief summary of the case. See Verification Form)

Areas of Emphasis

(Check all areas you claim expertise or special experience)

- Bankruptcy Government (Public)
- Business/Contract Health Care
- Civil Rights Intellectual Property
- Complex Litigation Insurance/Bad Faith
- Conservatorships Landlord/Tenant
- Construction Medical Malpractice
- Employment/Labor Personal Injury
- Environmental Product Liability
- Entertainment Professional Malpractice
- Family Law Probate/Wills, Trusts, Estates
- Real Property
- Other (Identify): _____

Multi-Lingual Abilities (List all languages other than English in which you can conduct an ADR process.): _____

Insurance Carrier (if any): _____

Have you ever been convicted of a felony or a misdemeanor involving moral turpitude? If so, explain: _____

Have you ever been refused bond? If so, explain: _____

Other Relevant Information: _____

() Attached resume

By my signature below I declare and certify under penalty of perjury that the information provided in this application is accurate and complete and I authorize the court to make any information contained in this application available to the public through the court's website or through other means.

Signature: _____ Date: _____

**Superior Court of California
County of Tulare**

Mediator/Arbitrator Statement of Agreement

1. I certify that I meet the minimum qualifications to serve on the Civil Mediation/Arbitration list for Tulare County Superior Court, and that I have submitted a completed application including the requested documentation.

2. I have read, understand and agree to abide by all applicable ethics requirements and rules of court including *California Rules of Court 3.850 thru 3.859*.

3. I understand that I am required and may be requested to serve as a civil neutral on a pro bono or modest means basis.

4. I agree to hold harmless from any claims arising out of my service as a civil neutral the County of Tulare and any of its assigns and/or employees acting in their official capacity.

5. I agree to comply with procedural requirements of the court, including timely submission of documents and evaluations that may be requested or required.

6. I understand that all or a portion of the information contained on my application may be included on the court's website and other public information sources. I agree to provide the court with current information and correct fees. I understand that the court will make a reasonable effort to ensure accuracy in providing this information to the public via its website or other means.

7. I agree to work professionally, cooperatively and respectfully with the court, court staff, counsel and parties to assist in the successful operation of the civil neutral program, and to bring to the attention of court staff any issues I believe should be addressed.

8. I understand that at anytime, the court may make changes to the requirements to serve on a civil neutral panel, and that to continue to serve as a civil neutral, I must comply with any modifications to these requirements.

9. I agree to disclose experience with this or another court as a pro tem judge, as requested by the court. I also understand that I cannot use my role as a pro tem judge to refer clients to my mediation service.

I, _____ certify and declare under penalty of perjury under the laws of the State of California that I have read, understand and agree to abide by the requirements to serve as civil neutral for the Superior Court of California, County of Tulare.

Signature

Date

VERIFICATION OF CIVIL MEDIATION/ARBITRATION EXPERIENCE

Tulare County Superior Court
ADR Program

Name: _____

Date: _____

Please provide the following information concerning at least two (2) cases mediated or arbitrated within the past year. Please note that this experience should occur after completion of a 40 hour mediation (for mediators only) training course or, if applicable, other sufficient training/experience as evidenced in the Alternative Qualification Request.

Case No. _____ Mediation/Arbitration Date(s) _____

Name of Plaintiff(s): _____

Name of Defendant(s): _____

Brief Case Description: _____

The mediation/arbitration resulted in (please check one):

Full Settlement Partial Settlement No Settlement, Total # of Hours

Mediating/Arbitration (minimum of two (2) hours required): _____

Case No. _____ Mediation/Arbitration Date(s) _____

Name of Plaintiff(s): _____

Name of Defendant(s): _____

Brief Case Description: _____

The mediation/arbitration resulted in (please check one):

Full Settlement Partial Settlement No Settlement, Total # of Hours

Mediating/Arbitration (minimum of two (2) hours required): _____

ALTERNATIVE QUALIFICATION REQUEST

Tulare County Superior Court Mediator/Arbitrator Program

Name: _____ Date: _____

An applicant seeking placement on the Civil Mediator/Arbitrator list who does not meet all of the education, training, and experience requirements may still qualify if the applicant provides evidence of other sufficient education, training, skills and/or experience satisfactory to the court's ADR Program Coordinator and Presiding Judge. Examples may be an extensive background in civil litigation which has afforded opportunity for mediation/arbitration skills development or the applicant is a retired judicial officer with civil case experience. Please describe in detail below (and attach separate sheet if necessary) such other education, training, experience and/or skills:

Tulare County Superior Court
Mediator/Arbitrator Profile

Name:

Address:

Phone:

Fax:

Email Address:

Fee:

Administrative Costs:

Expenses:

Deposit:

Cancellation/Continuance Policy:

Payment Responsibility:

ADR Experience (Years, # of Cases, Subject Matter Covered):

Areas of Emphasis/Experience:

Are you willing and qualified to provide arbitration services?

Additional Information: