

How to Become a Civil Mediator

Overview

As a resource and service to the public, Kern County Superior Court maintains a panel of Civil Mediators 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 a Mediator on a pro bono or reduced fee basis in at least (2) cases per year, not to exceed a total of 6 hours pro bono per year.

Mediator Qualifications

Qualifications for placement on the Civil Mediator list as a mediator have been developed by the Court with input from the local bar association and community members. These qualifications are:

- *Legal Education/Training-* Licensed to practice law in any state and a member in good standing in the admitted state.
- *Minimum Mediation Training:* Complete 40 hours of mediation training through a single comprehensive course including conflict, communication and mediation theory, stages of mediation process, mediation and communication skills and techniques, ethics, statutes and rules governing mediation and conduct of mediators, including confidentiality, related skills practice/role-playing, and the preparation of mediated agreements.
- *Minimum Mediation Experience:* After completion of the 40 hours of mediation training, mediated at least two (2) or more cases in the 12 months preceding the application (totaling a minimum of six (6) hours per year). Mediators, who have no prior mediation experience, must have completed:

Two or more mediations (totaling a minimum of six (6) hours) within the 12 months prior to qualifying, and

- 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.

Maintaining Panel Status

- *Continuing Eligibility:* Must complete at least seven (7) hours of continuing education/training covering any of the topics listed above in the subheading Training, and (1) hour in ethics every two (2) years which can count towards the annual 7 hour requirement, and upon request, submit proof of the same; and mediate at least two (2) cases per year in the court's mediation program.

Mediators must fully comply with all relevant court policies, procedures, local rules, timelines and guidelines, in addition to relevant California law, including but not limited to those stated in the following:

- California Rules of Court, rules 3.850 et seq. and 10.781(b)
- California Code of Civil Procedure 170.1 as applicable to mediators pursuant to CRC 3.855
- California Evidence Code sections 703.5 and 1115 et seq.
- Kern County Superior Court Rules, including Rules 3.14 et seq.

Mediators must notify the ADR Coordinator in writing within ten (10) days if: (a) public discipline has been imposed upon you by any public disciplinary or professional licensing agency; (b) you have resigned your membership with the State Bar or other professional licensing agency while disciplinary or criminal charges were pending; (c) a felony charge is pending against you; (d) you have been convicted of a felony or of a misdemeanor involving moral turpitude; and/or (e) there has been an entry of judgment against you in any civil action for actual fraud or punitive damages. [See CRC 3.856(c).]

- *Review:* Must review profile information yearly and update the ADR Coordinator on any material changes.

Determination of qualifications to be placed on the court's Civil Mediator List and/or retention or removal from the list, is at the sole discretion of the ADR Committee of the Kern County Superior Court. Mediators on the Court's Panel may be temporarily or permanently removed from the panel at any time without cause or may have additional requirements imposed to be reinstated or maintained on the panel.

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 Committee.

Marketing

Although Panel Mediators may indicate that they are a member of the Kern County Superior Court's Civil Mediation Panel, panel mediators are prohibited from indicating in their marketing materials that they are approved, endorsed, certified, licensed or sponsored by the court while on the court's panel and thereafter.

How to Apply

Application materials are available by contacting the ADR Coordinator at ADRAdministration@kern.courts.ca.gov. A completed application shall include:

- Completed [Application Form](#).
- Current resume or Curriculum Vitae
- Completed [Mediator Statement of Agreement](#).
- Completed [Verification of Civil Mediation Experience](#), or, if applicable, a completed [Alternative Qualification Request Form](#).
- 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 ADR Committee. Applicants are solely responsible for furnishing and verifying all information provided to the ADR Committee as well as updating their information as necessary.

Once an applicant has been accepted by the court as a Civil Court Mediator the applicant must complete, [The Mediator Profile Form](#).

Application Process Contact Information

Name: Cynthia Espinosa, ADR Program Coordinator

Address: Kern County Superior Court
1215 Truxtun Avenue
Bakersfield, CA 93301

Phone: (661) 868 -5433

E-mail: ADRAdministration@kern.courts.ca.gov

Superior Court of California County of Kern

(If there is insufficient space to respond an attached may be submitted if necessary.)

**Mediator Application
General Information**

Name: _____

Occupation: _____ Employer: _____

Address: _____

City: _____ State: _____ Zip Code: _____

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

Education

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

Admitted to Practice in the following States and the year admitted:

Member in Good Standing in each state? Yes /No (circle one)

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

a. Dates, case names, parties/attorneys and length of most recent mediated cases to meet qualifications: _____

b. Additional experience relevant to application: _____

c. Describe any complaints made against you as a mediator and/or as an attorney:

d. Legal experience: _____

Areas of Emphasis

(Check all areas you claim expertise or special experience)

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

References _____

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 if approved to be on the Civil Mediation Program Panel, 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.

I understand and acknowledge that the approval of my application to serve as mediator on the court's Civil Mediation Program Panel is solely at the discretion of the ADR Committee.

I have read the Kern County Superior Court's "How to Become a Civil Mediator" and, if approved to serve, will comply with all the provisions contained therein as well as all applicable statutes, California Rules of Court, local rules, and court policies and procedures concerning mediators on the court's Civil Mediation Program Panel.

Date: _____

Type or print name

Signature of applicant

(This application is not complete unless the Release of Liability below is signed by the applicant.)

RELEASE OF LIABILITY

I hereby release the Superior Court of California, County of Kern and its officers, employees, agents, assigns and the ADR Committee from any liability or damage, which may result from furnishing any of the information requested in this mediator application, participating in the Civil Mediation Program Panel or removal from the Panel.

Date: _____

Type or print name

Signature of applicant

FOR INTERNAL USE ONLY:

Approved Disapproved on (date): _____

Signature: _____ Date: _____

**Superior Court of California County
of Kern**

Mediator Statement of Agreement

1. I certify that I meet the minimum qualifications to serve on the Civil Mediation Program Panel for Kern 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 3.860*.

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

4. I agree to hold harmless from any claims arising out of my service as a mediator 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 if I am approved to be on the Civil Mediation Program Panel 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 ADR Coordinator and the ADR Committee with current information. 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 Mediation Program, and to bring to the attention of the court, court staff, or the ADR Coordinator any issues I believe should be addressed.

8. I understand that at any time, the court may make changes to the requirements to serve on the Civil Mediation Program Panel, and that to continue to serve as a mediator; I must comply with any modifications to these requirements.

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 mediator on the Civil Mediation Program Panel.

Signature

Date

VERIFICATION OF CIVIL MEDIATION EXPERIENCE

Kern 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 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 (6) hours required): _____

Case No. _____ Mediation 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 (6) hours required): _____

Kern County Superior Court Mediator
Profile

Name:

Address:

Phone: Fax:

Email Address:

:

Deposit: Cancellation/Continuance Policy:

ADR Experience: Areas of Emphasis/Experience: