

**Pro Bono Mediation Partnerships:
Meeting the Needs of Low-Income Clients through ADR**

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Brief Description:

Interested in learning how mediation can assist you in serving your client base? This workshop will present information on how partnerships between pro bono mediators and legal service providers can better assist low-income persons in their communities. The panelists will address the question of how such programs will help low-income constituencies, and they will discuss strategies for establishing and administering pro bono mediation programs in the attendees' geographic areas.

Topical Outline:

- I. The usefulness of mediation in serving the low-income population.
 - a. Addresses the needs of low-income individuals who may not otherwise have access to legal services
 - b. Allows the parties are given chance to be heard
 - c. Progresses at a much faster process than litigation
 - d. Allows for alternate solutions not available within the court system
 - e. Example: Tennessee's Efforts
 - i. Tennessee State Plan Mediation Initiative
 1. History of Tennessee State Plan
 2. Mediation Initiative specifics
 - a. Goals
 - b. Developing the work group
 - c. The ambition
 - d. The reality
 3. Putting the Mediation Initiative into action
 - a. Stakeholder buy-in
 - b. Training legal aid staff
 4. Getting the word out to the mediation community
- II. The importance of partnering.
 - a. Creates legitimacy
 - b. Increases available resources
 - c. Example: West Tennessee Legal Services
 - i. How legal services involvement in mediation began
 - ii. Tennessee Supreme Court Rules 31 & 38
 - iii. Process and procedures

- III. The mechanics of establishing a pro bono mediation program.
 - a. Example: Community Legal Services in Phoenix, Arizona
 - i. Establishing a link to the mediation community
 - ii. Creating an administrative process to
 - 1. Screen cases for mediation
 - 2. Obtain the parties' consent to mediate
 - 3. Find a qualified mediator
 - 4. Schedule the mediation
 - 5. Monitor effectiveness of the mediator/mediation
 - iii. Finding and training volunteer mediators
 - iv. Identifying a program administrator
 - v. Finding funding sources
 - vi. Getting the word out
- IV. Maintaining a successful program once established.
 - a. Continue increasing presence in community
 - b. Volunteer recruitment/training/supervision
 - c. Development and maintenance of records
 - d. Long-term fundraising options
 - e. Avoiding pitfalls experienced by other programs
- V. The ethical implications of mediation as part of zealous advocacy for clients.
 - a. ABA Model Rules of Professional Conduct 1.3
 - b. ADR options
 - c. Mediation advocacy
 - d. Starting early: law school mediation programs