

**Bucks County Bar Association
Requirements to Serve as a Mediator**

Please complete and submit the attached application to the Bucks County Bar Association Dispute Resolution Committee, 135 E. State Street, Doylestown, PA 18901. The Credentials Committee, consisting of: (i) one Bucks County Bar Association Dispute Resolution Committee (“DRC”) attorney member appointed by the then chair(s) of DRC; (ii) one Bucks County Bar Association Orphans’ Court Committee (“OCC”) attorney member appointed by the then chair(s) of OCC; and (iii) one Bucks County Bar Association Family Law Committee (“FLC”) attorney member appointed by the then chair(s) of FLC, will review your application. The Credentials Committee meets twice a year to determine a candidate’s eligibility to serve as a mediator and be recommended to be placed on the list of the Bucks County Court of Common Pleas, Mediation Program, Approved Attorneys.

Minimum Qualifications:

1. You must be an admitted member of the Pennsylvania Bar;
2. You must be a member of the Bucks County Bar Association;
3. You must have at least five (5) years of legal experience in the areas you intend to mediate; and
4. You must have completed the certified basic 24 hour mediation training course. Please attach a copy of your training certificate if the Credentials Committee has not previously received it. If you are already listed on the mediator list for OCC, FLC and/or the Bucks County Court of Common Pleas, it is not necessary to resubmit your training certificate.
5. You must maintain and if requested provide verification of current professional liability insurance which includes coverage for services as a mediator.

I hereby certify that I meet the foregoing minimum qualifications to serve as a mediator.

Signature

Date

If you are applying to be a Family Law mediator, you must also complete the Family Law Mediator Application, attached hereto as Exhibit “A”, and submit the Family Law Mediator Application to the Family Law Committee Chair. This requirement is in addition to completion and submission of the within Bucks County Bar Association Application to Serve as a Mediator.

If you are applying to be an Orphans’ Court mediator, you must also complete the Orphan’s Court Mediator Application, attached hereto as Exhibit “B”, and contact Orphans’ Court Committee Member, Jack Hetherington, at jjhelderlaw@comcast.net. This requirement is in addition to completion and submission of the within Bucks County Bar Association Application to Serve as a Mediator.

**Bucks County Bar Association
Application to Serve as a Mediator**

Name: _____

Office: _____

Address: _____

Office Phone: _____ Fax: _____ E-mail: _____

Date admitted to the Pennsylvania Bar: _____ Attorney ID#: _____

Are you a member of the Bucks County Bar Association? Yes No

Have you been approved as a mediator by the Bucks County Bar Association Orphans' Court Committee? Yes No

Have you been approved as a mediator by the Bucks County Bar Association Family Law Committee? Yes No

List your malpractice insurance carrier and effective dates of the policy:

Briefly state your legal experience and/or areas of practice (including dates) since admission to the Pennsylvania Bar:

Is your Pennsylvania law license presently in active status? Yes No

With regard to your Pennsylvania bar admission or bar admission in any state, have you ever been disciplined? If yes, please explain: _____

Briefly state in chronological order (including dates) the mediation training you have received. Please attach a copy of each program's Certificate of Completion:

Please list the matters (other than Family Law and Orphans' Court matters) that you are willing to mediate:

Do you agree to comply with the provisions of 42 Pa.C.S. §5949 pertaining to Confidential Mediation Communications and Documents? Yes No

I hereby certify that the above information is true and correct.

Signature

Date

Bucks County Bar Association Mediators

The Credentials Committee of the Bucks County Bar Association has approved/not approved the following attorneys to be recommended as mediators in the areas set forth under each attorney's name and to be recommended for placement on the list of the Bucks County Court of Common Pleas, Mediation Program, Approved Attorneys:

EXHIBIT “A”

FAMILY LAW MEDIATOR APPLICATION

**Requirements for Certification as a Family Law Mediator
Bucks County Bar Association Mediation Program**

Please complete and submit the attached application to the Bucks County Bar Association Family Law Section. The Credentials Committee consisting of two committee members (one Family Law Section member and one Dispute Resolution Committee member) will review your application. The Credentials Committee meets twice a year (March and September) to determine candidates' eligibility and continued eligibility to serve on the Mediation Panel.

Minimum Qualifications for Family Law Mediators (not including Custody matters):

1. An attorney in good standing and a member of the Pennsylvania Bar.
2. A member of the Bucks County Bar Association.
3. Five (5) years of Family Law experience.
4. At least twenty-four (24) hours of mediation training/mediation certification;
Or
Sufficient Mediation experience to permit waiver of this training requirement;
5. At least ten (10) hours mediation training for family law issues;
Or
Sufficient Family law mediation experience to permit waiver of this training requirement.
6. Six (6) CLE credits in the area of Family Law each year.

Minimum Qualifications for Court-Referred Custody Matters:

In addition to items 1 through 5 above, Applicants who wish to handle court-referred custody matters shall also meet the following additional criteria in accordance with Pa.R.C.P. No. 1940.4.

1. Successful completion of basic training in domestic and family violence or child abuse; and a divorce and custody mediation program approved by the Association for Conflict Resolution, American Bar Association, American Academy of Matrimonial Lawyers, or Administrative Office of Pennsylvania Courts [Pa.R.C.P. No. 1940.4(a)(2)].
2. Mediation Professional Liability Insurance [Pa.R.C.P. No. 1940.4(a)(3)].
3. Additional mediation training consisting of a minimum of 4 mediated cases totaling 10 hours under the supervision of a mediator who has complied with items 1 and 2 above, and is approved by the court to supervise other mediators [Pa.R.C.P. No. 1940.4(a)(4)].
4. The Applicant shall comply with the ethical standards of the mediator profession as well as those of his or her primary profession, AND complete at least 20 hours of continuing education every two years in topics related to family mediation [Pa.R.C.P. No. 1940.4(b)]

**Application for Certification as a Mediator
Bucks County Bar Association Sponsored Family Law
Mediation Program**

Name:

Office:

Address:

Office Phone:

Fax:

Email:

List your Malpractice Insurance Carrier and Effective Dates of the Policy:

Date admitted to the Pennsylvania Bar:

Attorney ID #:

Is your Pennsylvania Law License presently Active Status?

Are you a member of the Bucks County Bar Association?

Briefly set forth in chronological order (including dates), the nature of your practice of law since admission to the bar:

Has any court or administrative office of a court ever publicly disciplined you? If yes, please explain.

Briefly set forth in chronological order (including dates), mediation training including family law mediation training that you have received. Please attach a copy of each program's certificate of completion:

Please set forth any additional information you believe would bear upon your qualifications to serve as a mediator:

Are there any types of Family Law Disputes that you are NOT willing to mediate?

How much notice do you require to serve as Mediator?

One day One week Two weeks One month

Do you agree to charge \$300 for the first two hour mediation session and then your current charge per hour thereafter?

Do you agree to abide by the Bucks County Guidelines for Mediation?

Do you agree to notify the Bucks County Bar Association within thirty (30) days of any change of the information contained in this application?

Do you agree, if requested, to provide a copy of your CLE attendance for last year to provide documentation that you have taken six (6) credits of CLE credit in the area of Family Law?

If applying for certification to mediate Custody matters, do you agree to provide verification of completion of 20 hours of CLE every two years in topics related to Family Mediation in accordance with Pa.R.C.P. No. 1940.4(b)? Yes No

Do you agree to comply with the provisions of 42 Pa.C.S. §5949 pertaining to Confidential Mediation Communications and Documents? Yes No

I hereby certify that the above information is true and correct.

Date _____ Signature _____

Guidelines for Mediation

1. Mediation is defined as the confidential process by which a neutral mediator assists the parties in attempting to reach a mutually acceptable agreement on issues arising in a custody action. The role of the mediator is to assist the parties in identifying the issues, reducing misunderstanding, clarifying priorities, exploring areas of compromise and finding points of agreement. An agreement reached by the parties is based on the voluntary decisions of the parties and not the decision of the mediator. The agreement may resolve all or only some of the disputed issues. The parties are required to mediate in good faith, but are not compelled to reach an agreement. While mediation is an alternative means of conflict resolution, it is not a substitute for the benefit of legal advice. Rule 1940.2
2. A “Memorandum of Understanding” is the written document prepared by a mediator which contains and summarizes the resolution reached by the parties during mediation. A Memorandum of Understanding is primarily for the benefit of the parties and is not legally binding on either party unless both parties agree. Rule 1940.2
3. The mediator shall comply with the Professional Code of Conduct.
4. The mediator must inform the parties in writing of the following:
 - a. Costs of mediation;
 - b. The process of mediation
 - c. That the mediator does not represent either or both parties, and shall not serve as counsel for either of the parties in any matter arising out of the matters which were the subject of the mediation.
 - d. The mediator may mediate subsequent disputes between the parties, but shall not act as attorney, counselor, or psychotherapist for any party either during or after the mediation of any matter which was the subject of mediation.
 - e. That mediation is not a substitute for the benefit of independent legal advice; and
 - f. That the parties should obtain legal assistance for drafting any agreement or reviewing any agreement drafted by the other party or reviewing any agreement reached in Mediation;
 - g. When mediating a custody dispute, the parties shall consider what is in the best interest of the child or children.
 - h. With the consent of the parties, the mediator may meet with the parties’ children or invite other persons to participate in the mediation.

5. Mediation shall terminate upon the earliest of the following circumstances to occur:
 - a. A determination by the mediator that the parties are unable to reach a resolution regarding all of the issues subject to mediation;
 - b. A determination by the mediator that the parties have reached a resolution regarding all of the issues subject to mediation;
 - c. A determination by the mediator that the parties have reached a partial resolution and that further mediation will not resolve the remaining issues subject to mediation; or
 - d. A determination by the mediator that the proceedings are inappropriate for mediation.
 - e. A refusal of one of the parties to continue with the mediation
 - f. A determination made by the mediator that he/she can no longer maintain neutrality.
 - g. A determination by the mediator that one of the parties may be in violation of 42 Pa C.S.A 5949.
6. No party, mediator or other person who participates, may be called as a witness, or otherwise compelled to reveal any matter disclosed in mediation undertaken, if any, during or subsequent to the initial session.
7. Mediators shall charge \$300 for the first two hour session. If the mediation requires more time, the mediator will bill per hour thereafter at his/her current rate of charge.
8. Parties should be informed of the confidentiality limitations in 42 Pa. C.S.A. 5949.

EXHIBIT “B”
ORPHAN’S COURT MEDIATOR APPLICATION

Requirements for Certification as a Mediator
Bucks County Court of Common Pleas, Orphans' Court Division

Please complete and submit the attached application to the Bucks County Bar Association Orphans' Court Mediation Program Orphans' Court Mediation, 135 E. State Street, Doylestown, Pennsylvania 18901. The Credentials Committee consisting of two Bucks County Bar Association Orphans' Court Section members (OCS), who are appointed by the then Chair of OCS and one representative from the Bucks County Bar Association Dispute Resolution Committee appointed by his or her Chair will review your application. The Credentials Committee meets twice a year to determine candidates' eligibility to serve on the Mediation Panel.

Minimum Qualifications:

1. You must be an admitted member of the Pennsylvania Bar;
2. You must be a member of the Bucks County Bar Association;
3. You must have at least five (5) years of general practice experience which includes sufficient experience in Orphans' Court practice and procedures;
4. You must have at least twenty-four (24) hours of mediation training and receive a Certification of Completion.

**Application for Certification as a Mediator
Bucks County Court of Common Pleas Orphans' Court Division**

Name:

Office:

Address:

Office Phone:

Fax:

E-Mail:

List your Malpractice Insurance Carrier & effective dates of the Policy:

Date admitted to the Pennsylvania Bar:

Atty. ID#:

Is your Pennsylvania Law License presently Active Status? Yes No

Are you a member of the Bucks County Bar Association? Yes No

Briefly set forth the nature of your Orphans' Court practice since admission to the bar:

Has any court or administrative office of a court ever publicly disciplined you? If "yes," please explain: Yes No

Briefly set forth in chronological order (including dates), mediation training you have received. Please attach a copy of each program's certificate of completion:

Please set forth any additional information you believe would bear upon your qualifications to serve as a mediator:

What types of Orphans' Court matters are you willing to mediate?

What types of Orphans' Court matters are you NOT willing to mediate?

How much notice do you require to serve as a Mediator?

One day

One week

Two weeks

One Month

Do you agree to be compensated for your mediation services according to the fee schedule set by the Bucks County Bar Association Orphans' Court Mediation Program? Yes No

I hereby certify that the above information is true and correct.

Date:
