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Learning to Mediate Through the Texas Volunteer Mediator Association

By Denise Peterson and Emily Hull

The Texas Volunteer Mediator Association (TVMA) has two primary goals: (a) expanding public access to mediation, and (b) providing opportunities for volunteers to mediate. We operate *virtually* and hope you will get involved!

It all began with a comment, a simple fact. Judge Jim Kovach of Harris County Civil Court at Law No. 2 mentioned in passing that almost 4,000 cases a week are filed in Harris County Civil Courts at Law. Logistically, there is no possible way, we thought, that these parties have an opportunity to mediate.

Launched in December 2020, TVMA is the brainchild of five people: Denise Peterson, Emily Hull, Cody Dumas, Jessica Guobadia, and Denise Adkison-Brown. As we prepare to begin accepting cases in June 2021, we are expanding our roster with mediators, mentors, CLE trainers, and board members. For more information and to sign up for updates, please go to TXVMA.org.

1. Public Access to Mediation

Our first primary goal is to expand public access to mediation. We believe that all parties who wish to mediate should have access to this critical litigation strategy. Mediation minimizes or eliminates long-term damage to litigants, such as a negative impact on credit scores, financial instability for small businesses, and eviction “black marks.” Creating non-litigated outcomes for legal problems protects marginalized groups from *further trauma*.

2. Volunteer Mediation Opportunities

Our second primary goal is to provide opportunities for volunteers to mediate. This goal stemmed from requests from attorneys wanting to gain mediation experience -- both newly-licensed attorneys, and attorneys returning to the practice of mediation.

3. COVID-19's Silver Lining

Given these two goals, TVMA's founders focused on identifying a way to match (a) cases that are ripe for mediation with (b) attorneys who want to volunteer as mediators.

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Initially, the biggest issue was finding affordable space for mediations to take place (on top of paying usual start-up costs). Mediations are – or at least, traditionally have been – in-person experiences. This stymied us for a long time.

Then COVID-19 swept in, and the legal world became virtual. This sounds wonderfully melodramatic, but it yielded serious challenges. Many legal practitioners moved -- often against their will -- from communicating through personal, face-to-face conversations to discussing complex, complicated, and emotional issues via impersonal videoconferences. For example, remote mediations became commonplace. A silver lining to COVID-19 has been that success rates have proven that “virtual” law can be effective. This massive shift caused TVMA to grow from seed to seedling. With the widespread adoption of online mediations, our space problem was resolved.

Since TVMA will be a fully online service, a robust back end is under development. A website and application are being created that will allow us to handle scheduling, payments, mediated settlement agreement drafts, approvals, and signing, plus user management and CLE hosting.

4. Mentoring and Training Volunteers

While computer programmers get the online portal ready, we are focusing on training volunteers. Our volunteers are, and will be, law students, recent law school graduates, and attorneys. TVMA is training volunteers about a “co-mediator” approach to mentoring. Essentially, relatively experienced attorneys will mentor law students and recent graduates on mediation cases.

All volunteer mediators will receive implicit bias training, too. As many judges are now mandating implicit bias training for anyone receiving appointments from their court, we are ensuring our mediators will meet these new requirements.

The two-hour implicit-bias course is free for all of our volunteers. (It also is available for a small fee to others as an accredited ethics MCLE program. These fees help TVMA to cover overhead and development costs.) We are developing a six-hour implicit bias course as well. It will build on the introductory course by delving into specific issues such as race, gender, LGBTQIA, and socioeconomics.

TVMA also will offer CLE programs on advanced mediation topics such as (a) advanced negotiation techniques, (b) developing good mediation openings, (c) drafting mediated settlement agreements, and (d) confidentiality.

5. Get Involved

We are excited about TVMA and hope you will get involved. If you are interested in volunteering as a mediator, mentor, CLE trainer, or board member, we would love to speak with you. We're not limited by geography, and neither are you!

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