

**CBA-ADR Section Resolution Corps
Virtual Dispute Resolution Panel**

Statement of Purpose

Purpose 1. To create a ADR Section Resolution Corps Virtual Dispute Resolution Panel (“Resolution Corps”) for the purpose of providing Members and the public with access to a panel of mediators with knowledge and expertise in Virtual Dispute Resolution (“VDR”).

Purpose 2. To provide educational resources, mentorship opportunities and trainings for ADR Section Members and the public regarding VDR.

Purpose 3. To provide Resolution Corps Panelists with a client referral source for mediations.

Purpose 4. To organize, establish, and maintain oversight of the Resolution Corps Panel consistent with the Rules and Regulations as set forth in Exhibit 1.

Purpose 5. To establish a process by which the Resolution Corps Panel Rules and Regulations will be approved.

Purpose 6. To advance equity in the practice of ADR and strive to remove barriers for success within the ADR Section and the greater Colorado legal community for underrepresented groups.

**CBA-ADR Section Resolution Corps
Virtual Dispute Resolution Panel**

Rules and Regulations

SECTION 1. Administration.

1.1. Resolution Corps Advisory Group. The Resolution Corps Advisory Group shall establish standards for inclusion on the CBA-ADR Section Resolution Corps. The Advisory Group shall: (1) determine whether particular applicants have met the standards for selection; (2) grant waivers or modifications of specific inclusion requirements or deadlines for good cause shown; and (3) decide all requests for reconsideration of denials, expirations, or revocations of, inclusion, except in cases of final appeal to the Executive Council as detailed below in Section 2.2.4.

1.2. Composition of Resolution Corps Advisory Group. The Resolution Corps Advisory Group shall be composed of the Resolution Corps Chair (s), a minimum of five designated ADR Section Members in good standing including at least one member of the ADR Executive Council. Advisory Group members shall commit to at least one year of service on the Advisory Group. The Resolution Corps Chair shall report to the ADR Section Program Committee. The Advisory Group shall also appoint at least three members to an Application Review Subcommittee on an annual basis, for the purpose of reviewing applications.

1.3. Annual Review and Report. The Resolution Corps Chair, with the assistance of the Advisory Group, shall provide an annual report to the ADR Section, in the form and manner of his or her choosing, at the annual ADR Section Annual Meeting. The report shall identify the current members of the Resolution Corps, analytics of web traffic (if available), utilization of the *pro bono* component, and any other information which is requested or that the Chair deems helpful.

1.4. Responsibilities of the Resolution Corps Chair(s). The Resolution Corps Chair(s) shall be responsible for maintaining the list of mediators on the Panel and ensure compliance with these Rules and Regulations. The Resolution Corps Chair(s) will work with the ADR Section Executive Council when administering the duties of the Advisory Group. The Resolution Corps Chair shall make publicly available the list of Panel mediators. With the exception of *pro bono* assignments, potential clients shall be free to choose as they wish from the publicly available list. The Resolution Corps Chair will administer the *pro bono* component of the program and assign *pro bono* cases on a rotating basis depending upon availability and expertise.

SECTION 2. Application Procedures and Fees.

2.1. Application Forms. Application forms for selection, if any, shall be received for consideration of inclusion on the list of Panel mediators. Applications for inclusion shall be made in writing on such forms as the Resolution Corps Chair(s) may approve. Applicants shall be expected to provide self-certification and application updates as necessary on an annual basis.

2.2. Fees. All fees, if any, for inclusion on the Resolution Corps shall be set by the ADR Section Executive Council. All fees collected shall be used at the discretion of the ADR Section in the administration of its programming and consistent with the fulfillment of its mission.

2.2.1. Application Fee and Forms. Each applicant shall submit an application fee, if any, along with the completed application. By submitting an application, if accepted to the Resolution Corps, the applicant shall agree to adhere to the Model Standards of Conduct for Mediators.

(a) Current Fee: None.

(b) Current Form: Complete Application and Certification (Exhibit 1) and email to holly.panetta@gmail.com.

2.2.2 Application Review/Opening Panelist File. Upon receipt of an application, the Resolution Corps Advisory Group Application Review Subcommittee shall determine if the minimum standards for inclusion are met pursuant to Section 3 below and, if so, add the applicant to the Panel and open an active file on the Panelist. Advisory Group applications shall be reviewed pursuant to the same minimum standard for inclusion pursuant to Section 3 below. Information and documentation received shall be reviewed only by the Advisory Group Application Review Subcommittee and/or the ADR Executive Council solely for the purpose of approving or denying the application. Information and documentation shall not be used or distributed for any other purpose and shall be kept secure.

2.2.3 Reapplication for Inclusion. An applicant who fails to meet the requirements as of the initial application, who is denied inclusion, denied reapplication for inclusion, or a mediator whose inclusion was revoked, expired or was voluntarily surrendered, may reapply for inclusion in accordance with these Rules and Regulations. The applicant must apply and pay the appropriate application fee, if any. In addition, the applicant must disclose that he/she had previously been denied inclusion or denied reapplication for inclusion, that his/her inclusion had been revoked, had expired or had been voluntarily surrendered and the reasons for the denial, revocation, expiration or voluntary surrender of inclusion or denied reapplication for inclusion. The applicant's prior file will be available to the Advisory Group Application Review Subcommittee and the applicant may be required to provide additional information relating to the denial, revocation, expiration or voluntary surrender.

2.2.4 Appeal for Removal or Denial. Denied applicants or removed panelists may appeal to ADR Executive Council for review of denial and for further recommendations. ADR Executive Council decision regarding any appeals regarding from denied applicants or removed panelists shall be final. Appeals shall be made in writing directly to the ADR Section Chair and calendared for review by the ADR Executive Council within 90 (ninety) days.

SECTION 3. Minimum Standards for Inclusion.

3.1 Standards for Inclusion. All applicants who meet the requirements set forth in these Rules and Regulations shall be eligible for inclusion on the Resolution Corps Panel without regard to and without discrimination on the basis of race, religion, gender, sexual orientation, disability, or age upon completion of Application and Self-Certification.

3.2 ADR Section Member Requirement. The applicant must be a member in good standing of the ADR Section.

3.3 Mediation Certification. Applicant must self-certify successful completion of training in basic mediation practices (minimum 40-hour mediation training course or equivalent).

3.4 VDR Training. Applicant must self-certify attending a minimum of one virtual dispute resolution training or participation in a practice group annually.

3.5 VDR Mediation Experience. Applicant must self-certify having conducted at least five (5) virtual dispute resolution processes as solo or lead, including but not limited to mediation, negotiation, arbitration and other hybrid processes.

3.6 Continuing Education. Applicant must self-certify obtaining supplemental education and training in relevant areas of practice totaling at least 10 hours per year.

3.7 *Pro Bono*. The applicant may be expected to mediate cases on a *pro bono* basis from time to time. Each panelist will be expected to accept at least one *pro bono* case each year. The Chair will review and match the Resolution Corps Panel member with the case as appropriate and attempt to ensure as even of a distribution among members as possible.

3.8 Professional Integrity. The applicant must be a person of professional integrity, as that concept is interpreted by the Colorado Model Standards of Conduct for Mediators. By requesting inclusion on the Panel, the applicant agrees to affirmatively disclose any pending or prior (within the last five years) formal reprimand, disciplinary actions, complaints with a grievance committee of any bar or professional association or with the designated disciplinary entity of any state, any pending or prior felony criminal charges or convictions, or judgments, settlements, or admissions of malpractice. If an applicant fails to disclose any of the foregoing, the Advisory Group Application Review Subcommittee and/or the ADR Executive Council, in its discretion, may deny the application.

Additionally, at any time, the Advisory Group Application Review Subcommittee and/or the ADR Executive Council may initiate its own inquiry and applicant agrees that the application authorizes the Advisory Group Application Review Subcommittee and/or the ADR Executive Council to obtain confidential information from any person or association having knowledge of facts that are relevant to the applicant's personal integrity. The Advisory Group Application Review Subcommittee and/or the ADR Executive Council may suspend the processing of an application while any of the above proceedings is pending.

The Advisory Group Application Review Subcommittee and/or the ADR Executive Council will accept as final the findings of any court or body authorized to impose professional discipline. In such instances, the application shall be denied and the applicant may not reapply for inclusion for a period of three years following the imposition of any formal disciplinary action, any criminal conviction, malpractice judgment or admission of malpractice, unless the applicant establishes to the satisfaction of the Advisory Group Application Review Subcommittee and/or the ADR Executive Council that such factors are not relevant to the applicant's fitness to be recognized as a mediator. The Application Review Subcommittee and/or the ADR Executive Council may deny an application for other good cause related to an alleged disciplinary violation, alleged criminal conduct, or alleged malpractice.