

**POLICIES, PROCEDURES AND GOVERNING DOCUMENT
OF
MARIN COUNTY BAR ASSOCIATION
ALTERNATIVE DISPUTE RESOLUTION
SECTION**

1. **OFFICERS**: This section of the Marin County Bar Association shall have the following officers elected every November by vote of a majority of the attending members of the Section: Chair, Chair-Elect, Secretary, Treasurer.

2. **TERMS OF OFFICE**: The term of office of the officers shall be one year.

3. **MEETINGS**: Meetings of the ADR section of the Marin County Bar Association shall be held at Noon on the third Wednesday of the month at a venue determined by the Section Chair. The Chair can also schedule meetings at other times and dates at his or her discretion.

4. **DUTIES OF OFFICERS**:

(A) **CHAIR**: The Chair will set the agenda for each monthly meeting, arrange for the meeting place for the monthly meetings, communicate to the membership the date of the monthly meeting, assign members to conduct reviews and investigations to report back to the membership, appoint members to sub-Sections, and preside over the monthly meetings. The Chair will communicate and coordinate with the Marin Bar Association staff regarding publication of ADR section events in the Marin County Bar Bulletin. According to the Marin County Bar Association governing documents, the Chair of the ADR section is appointed by the Marin County Bar Association President. However, the ADR Section shall by majority vote of the Section members attending the November meeting elect a nominee for the President's appointment as Section Chair.

(B) **CHAIR-ELECT**: The Chair-Elect shall assume the duties of the Chair whenever the Chair has a conflict with the monthly meeting, is incapacitated, or unavailable for the monthly meeting or any other of the Chair's duties. The Chair-Elect, who shall serve a term of one (1) year, shall be liaison to the Marin County Bar Association meetings.

(C) **SECRETARY**: The Secretary of the ADR Section reports to

the Section Chair.

The Secretary shall, in coordination with the MCBA staff, maintain the records of the Section membership, as well as the membership of the MCBA ADR Panel, keep records of the monthly meetings, provide notice of Meetings, including the monthly meetings, to all members, and disseminate the minutes of the monthly meetings to the membership.

In addition, the Secretary shall be responsible for the following tasks related to the creation and maintenance of the MCBA ADR Panel:

- Provide annually to the MCBA staff for placement on the MCBA website an updated application for membership on the Panel;
- Collect from the MCBA staff and distribute to the other ADR Section officers for review and approval or disapproval all applications received for membership;
- Communicate to all Panel applicants the decision of the ADR Section officers on their respective applications;
- Provide to all successful Panel applicants instructions on how to access and update their personal profiles on the MCBA ADR Panel website;
- Maintain a written record of those applicants approved for inclusion on the MCBA ADR Panel;
- Coordinate with and communicate to the webmaster the names of those applicants approved for inclusion on the Section website, as well the names of those individuals who should be deleted from further inclusion on the MCBA ADR Panel list of mediators and arbitrators.

(D) TREASURER: The Treasurer of the ADR section reports to the Section Chair.

The Treasurer shall be responsible for receiving from the MCBA those dues collected by the MCBA on behalf of the Section, as well as the MCBA ADR Panel fees paid for inclusion on the Panel, maintaining and balancing the Section checking account, and collecting payment from Section members and guests at the section's monthly luncheons and other events.

The Treasurer will keep track of the deposits and withdrawals in the Section checking account and be prepared to make a Treasurer's report at any time at the request of the Section Chair. The Treasurer will, at the minimum, prepare a verbal

report of finances of the section by November of the year in which the Treasurer serves.

The Treasurer will be responsible for the payment of all Section bills, including the bills owed to the venue for all Section meetings, bills for website maintenance, speaker fees, or approved costs for Section activities.

5. **MEMBERSHIP IN THE ADR SECTION OF THE MARIN COUNTY BAR ASSOCIATION**: Any member of the Marin County Bar Association in good standing and who pays the fee as set by the Marin County Bar Association to be a member of this Section shall be a member of the ADR Section of the Marin County Bar Association.

6. **MARIN COUNTY BAR ASSOCIATION ADR PANEL**:

(A) **APPLICATION APPROVAL BY ADR SECTION OFFICERS**:

The term of membership on the MCBA ADR Panel shall be one year, running from September 1 through August 31. Applications for acceptance on the Panel may be submitted to the Marin County Bar Association office during the months of June and July and reviewed by the MCBA ADR Section officers during the month of August. Applications, along with the accompanying checks for the applicable Panel fees, shall be forwarded by the MCBA staff to the Secretary of the ADR Section for review by the ADR Section Officers.

It shall be the responsibility of the officers of the Marin County Bar Association ADR Section to undertake annually the following tasks related to the creation and maintenance of the MCBA ADR Panel:

- Review and update, as needed, the standards established for qualification to membership on the Panel;
- Review applications to the Panel, checking for compliance with the established standards for admission to the Panel, and approving the applications of those applicants for the MCBA ADR Panel meeting those standards.

It then shall be the responsibility of the Secretary to contact the MCBA website administrator, who will take the information regarding the new applicants and post it on line.

(B) **QUALIFICATIONS FOR LISTING ON THE MARIN COUNTY BAR ASSOCIATION ADR PANEL**: The qualifications of all mediator and arbitrator applicants shall be consistent with the requirements established by the Marin County Bar Association and the Marin County courts. **For Mediator applicants:** Have completed

at least forty (40) hours of mediation training and within the last two years have completed at least five (5) mediations serving as a mediator (of which two may have been as a co-mediator or a member of a court-sponsored mandatory settlement conference. **For Arbitrator applicants:** Have been admitted to the practice of law for at least ten years or, if not a licensed attorney, have ten years of experience in the subject area/field in which you propose to arbitrate and have served as an arbitrator in at least five (5) arbitrations. **For both Mediator and Arbitrator applicants:** Commit to earning 10 CLE units in Alternative Dispute Resolution over the next 3 years and, as required by Cal. Rules of Court, (1) sign a certificate agreeing to comply with all applicable ethical requirements, and (2) agree to serve as an ADR neutral on a pro bono or modest means basis in at least one case per year, not to exceed eight (8) hours, if requested by the court.

(C) Fees: Applicants to the Marin County Bar Association ADR Panel shall pay a fee as set annually by the Marin County Bar Association ADR Section officers. There shall be a separate annual fee for membership as a Mediator on the MCBA ADR Panel, a separate annual fee for membership on the Panel as an Arbitrator, as well as a surcharge for membership on each Panel by applicants who are not members of the MCBA.

7. **PROGRAMS OF THE SECTION:** The Section shall, from time to time, present programs other than the Section's monthly meetings for education and to promote the aims of the ADR Section. Such programs shall be financed by the Section unless the Section obtains advance approval from the Marin County Bar Association for any program funding in excess of One Hundred (\$100.00) Dollars.

8. **AMENDMENT OF THE POLICIES AND PROCEDURES:** The Policies, Procedures and Governing Document of the ADR Section of the Marin County Bar Association shall be amended by a majority vote of the members attending the monthly meeting. Any proposed amendments shall be proposed and seconded one monthly meeting before the amendment may be adopted.

9. **CONFLICT WITH THE GOVERNING DOCUMENT OF THE MARIN COUNTY BAR ASSOCIATION:** Should any of the provisions of this Policy, Procedures and Governing Document of the Marin County Bar Association ADR Section conflict with any of the terms or provisions of the Marin County Bar Association Governing Document, the Marin County Bar Association Governing Document shall prevail.