Pilot PBA Pro Bono Mediation Project Attorney

A. The Pennsylvania Bar Association (PBA) Alternative Dispute Resolution (ADR) Committee and PBA Legal Services to the Public Committee have launched a Pilot PBA Pro Bono Mediation Project in partnership with the Pennsylvania Legal Aid Network, Inc. (PLAN) a statewide consortium of independent legal aid programs that provide civil legal assistance to low-income individuals and families through nine regional legal aid programs (Legal Services) in Pennsylvania.

B. The Pilot Project’s goals are to
   1. Expand access to justice for Pennsylvanians with low income;
   2. Encourage and empower low-income parties to resolve their disputes more effectively and efficiently; and
   3. Promote the use of mediation.

C. The Pilot Project seeks to accomplish these goals through PBA ADR Committee attorney members who are willing to mediate (Pro Bono Mediators) appropriate disputes referred by legal services organizations or pro bono attorneys representing low-income Pennsylvanians.

D. We are creating a Pro Bono Mediators List of PBA ADR Committee attorney members who are trained mediators and are willing to provide one free two-hour mediation as part of their annual pro bono service.

E. Once we create the Pro Bono Mediators List, we will invite Legal Services and Pro Bono Attorneys to refer appropriate matters to the Pilot Project.
   1. Any Legal Services or Pro Bono attorney interested in using this Pilot Project should contact the opposing party to request them to agree to mediation
   2. With the agreement of the parties, any Legal Services or Pro Bono attorney can send an email Mediation Request to the Pilot Project Subcommittee, in care of Sandy Ballard at her address below, including: the type of dispute, the city/geographic area, deadlines (if any), attorneys’ names, and parties’ names (for a conflict check).
   3. The Pilot Project Subcommittee will review the Mediation Request to make sure it is appropriate for mediation.
   4. If the Subcommittee determines that the request is inappropriate, the subcommittee will inform the parties of their decision not to refer it.
   5. If appropriate, the Mediation Request will be sent as an email to the Pro Bono Mediators List and all the Community Mediation Centers in the geographic area.
   6. Whoever responds first to the Pilot Project Subcommittee request will be assigned the pro bono mediation, contacts the parties’ attorneys, and schedules a roughly two-hour pro bono mediation.
   7. After each assignment, the Pilot Project Subcommittee will email a feedback form to a) the mediator to determine if the mediation was held and whether an agreement was reached and b) to the parties and mediator to gather feedback on the process and suggestions to improve.

G. The Pilot Project will work with Community Mediation Centers (CMC) to ensure that our efforts will not conflict with or adversely impact the delivery of CMC’s mediation services.

H. This is a PILOT project – as such we anticipate making changes and improvements along the way. We appreciate your patience as we work out the “kinks” in the system.

If you have any questions or need more information, please contact:

Sandy Ballard, Esquire
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Pilot PBA Pro Bono Mediation Project Attorney

I. History -- The PBA ADR Committee is working on the roll-out of a Pilot Pro Bono Mediation Project. On April 11, 2013, the Pennsylvania Bar Association (PBA) Legal Services to the Public Committee and ADR Committee adopted a proposal to begin to implement a pilot Pro Bono Mediation Project in partnership with the Pennsylvania Legal Aid Network, Inc. (PLAN) a statewide consortium of independent legal aid programs that provide civil legal assistance to low-income individuals and families through nine regional legal aid programs (Legal Services) in Pennsylvania.

II. Purpose & Goals -- The purpose of the Pilot Project is to have PBA mediator-members and community mediation centers available to mediate disputes referred by legal services organizations or pro bono attorneys representing low-income Pennsylvanians. The Pilot Project’s goals are to

A. Expand access to justice for Pennsylvanians with low income;
B. Encourage and empower low-income parties to resolve their disputes more effectively and efficiently; and
C. Promote the use of mediation throughout the Commonwealth.

The Pilot Project seeks to accomplish these goals through PBA ADR Committee attorney members who are willing to mediate (Pro Bono Mediators) appropriate disputes referred by legal services organizations or pro bono attorneys representing low-income Pennsylvanians.

III. Two Track Approach -- The Pro Bono Mediation Pilot Project will have two tracks:

A. Mediation for Unrepresented Parties: PBA and PLAN will encourage Legal Services staff and Lawyer Referral Services (LRS) staff to refer callers (especially callers who are unable to obtain legal representation from the agency) to their local Community Mediation Center. The Community Mediation Centers can be selected by geographical proximity to the initiating party using the PCM website directory. The Community Mediation Centers can handle the request (including fees) as they would any other caller.

B. Mediation for Parties with a Pro Bono or Legal Services Attorney: Represented parties can be referred to qualified PBA ADR Committee member-mediators who have agreed to mediate on a pro bono basis for this project. With the agreement of the parties in the case, any Legal Services or Pro Bono attorney can submit a mediation request.

The types of matters referred may include, for example, small claims, landlord-tenant and custody.

IV. Pilot Coordination -- The Pilot Project is being coordinated by Sandy Ballard, the Public Services Coordinator of the Dauphin County Bar Association, and Cheryl Cutrona, the Executive Director of Good Shepherd Mediation Program. The Pilot Project Subcommittee will review the initial mediation requests to make sure the matters are appropriate for mediation. If appropriate, the request will be emailed to qualified PBA ADR Committee attorney-mediators who agree to provide free mediation. Mediator assignment will be on a first-responder basis.

Ballard, Cutrona and Sam Milkes, Executive Director of PLAN, are gearing up for a statewide public relations campaign aimed at the public interest law community to educate possible referral sources about the Pro Bono Mediation Pilot Project and the benefits of mediation.
V. Process Outline

A. **Recruit Mediators.** The first step is to recruit mediators to create a Pro Bono Mediators List of PBA ADR Committee attorney members who are trained mediators and are willing to provide one free two-hour mediation as part of their annual pro bono service.

B. **Invite Requests.** Once we create the Pro Bono Mediators List, we will invite Legal Services and Pro Bono Attorneys to refer appropriate matters to the Pilot Project.

C. **How to Request Mediation.**
   a. Any Legal Services or Pro Bono attorney interested in using this Pilot Project should contact the opposing party to request them to agree to mediation.
   b. With the agreement of the parties, any Legal Services or Pro Bono attorney can send an email Mediation Request to the Pilot Project Subcommittee, in care of Sandy Ballard at her address below, including: the type of dispute, the city/geographic area, deadlines (if any), attorneys’ names, and parties’ names (for a conflict check).
   c. The Pilot Project Subcommittee will review the Mediation Request to make sure it is appropriate for mediation.
   d. If the Subcommittee determines that the request is inappropriate, the subcommittee will inform the parties of its decision not to refer it.
   e. If appropriate, the Mediation Request will be sent as an email to the Pro Bono Mediators List and all the Community Mediation Centers in the geographic area.
   f. Whoever responds first to the Pilot Project Subcommittee request will be assigned the pro bono mediation, contacts the parties’ attorneys, and schedules a roughly two-hour pro bono mediation.
   g. After each assignment, the Pilot Project Subcommittee will email a feedback form to
      i. the mediator to determine if the mediation was held and whether an agreement was reached and
      ii. to the parties and mediator to gather feedback on the process and suggestions to improve.

VI. **Feedback Requested.** -- The Pilot Project will work with Community Mediation Centers (CMC) to ensure that our efforts will not conflict with or adversely impact the delivery of CMC’s mediation services. This is a PILOT project – as such we anticipate making changes and improvements along the way. We appreciate your patience as we work out the “kinks” in the system.

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