

IN THE SUPREME COURT OF ALABAMA
January 30, 2020

ORDER

IT IS ORDERED that Rule 4, Alabama Civil Court Mediation Rules, be amended to read in accordance with Appendix A to this order;

IT IS FURTHER ORDERED that the Comment to the amendment to Rule 4 be adopted to read in accordance with Appendix B to this order;

IT IS FURTHER ORDERED that the amendment of Rule 4 and the adoption of the Comment to that amendment are effective April 1, 2020;

IT IS FURTHER ORDERED that the following note from the reporter of decisions be added to the follow the Rule 4:

"Note from the reporter of decisions: The order amending Rule 4 and adopting the Comment thereto, effective April 1, 2020, is published in that volume of Alabama Reporter that contains Alabama cases from ___ So. 3d."

Parker, C.J., and Bolin, Shaw, Wise, Bryan, Sellers, Mendheim, Stewart, and Mitchell, JJ., concur.

Witness my hand this 30th day of January, 2020.



Clerk, Supreme Court of Alabama

**FILED
January 30, 2020
1:18 pm
Clerk
Supreme Court of Alabama**

APPENDIX A

RULE 4. QUALIFICATIONS OF A MEDIATOR

If a court designates or appoints a mediator, the mediator must be registered with the Alabama Center for Dispute Resolution, unless the court for good cause finds otherwise. No person shall serve as a mediator in any dispute in which that person has any financial or personal interest, except by the written consent of all parties. Before accepting an appointment, the prospective mediator shall disclose to the parties any circumstances likely to create an appearance of bias or likely to prevent the mediation from commencing within a reasonable time. Upon receipt of such disclosure, the parties may name a different person as mediator. If the parties disagree as to whether a prospective mediator should serve, the court shall appoint the mediator.

APPENDIX B

Comment to Amendment to Rule 4
Effective April 1, 2020

It is understood that a court presiding over a particular case is better suited to determine what is best for the particular parties and disputes before it. Therefore, although registered mediators should be the general and preferred rule, the trial court presiding over the matter retains the ultimate authority to determine whether particular circumstances might suggest a different alternative. For example, "good cause" might include the appointment of retired judges, highly experienced attorney-mediators, or free or reduced-cost mediators, including pro bono mediation programs. Perhaps the particular unavailability of a registered mediator with qualifications the court desires might be considered "good cause." Ultimately, the trial court is accorded considerable discretion in determining what is "good cause" for the appointment of a nonregistered mediator.