

**Attorney Mediator (Independent Contractor)  
ROLE DESCRIPTION WORKSHEET**

**Date:** March 21, 2009

**Department:** Mediation Service Professionals

**Title:** Attorney Mediator (Independent Contractor)

**Mission:** Assist clients in finding their own resolution to family conflicts using mediator’s skills, knowledge, and training. Actively participate in Peace Talks mission to maintain itself as the premier mediation firm, providing valuable, well-priced service directly to consumers while improving and contributing to the field of conflict resolution and our professional community.

<b>Key Result Areas</b>	<b>Time Utilization</b>	
	<b>Now</b>	<b>Goal</b>
1. Mediation and Report Preparation	65%	
2. Post-Session Follow Up with Clients	15%	
3. Post-Session Follow Up with Co-Mediator and Peace Talks	10%	
4. Participate in Peace Talks Vision and Business Improvement	5%	
5. Training and Feedback	5%	
6. Other Duties to be Assigned		
7.		
8.		
9.		

**Position Requirements**

**Education/Experience:** California licensed attorney with at least 1 year of family law litigation experience and a 30 or 40 hour mediation training and some mediation experience. Ideal candidate is a seasoned, experienced practitioner in transition (*e.g.*, leaving a larger firm to start a solo practice, desiring part time work, transitioning back into workforce after an absence, etc.).

**Independent Contractor:** This position is for an independent contractor and will involve [typically] 1-4 mediations per week (3-12 hours of mediation time) plus 1-2 hours per mediation writing a mediation summary letter. Peace Talks will provide training in our mediation model. Because we’re specifically seeking seasoned professionals who are looking to round out their practices, we anticipate that you will work as an IC for Peace Talks as your schedule permits. There is no minimum time commitment. You will sign a non-compete and non-disclosure of trade secrets agreement, however, so this is not a position for someone wishing to learn how to start his or her own mediation practice.

## Role Descriptions

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There is no requirement to generate mediation business for the firm. If you wish to do so, however, the modest compensation increases dramatically.

### Skills/Knowledge/Ability:

- Community property and debts, exceptions
- Separate property: reimbursements, *Moore/Marsden*, tracing, *Epstein/Watts*
- Taxes and divorce: spousal support deductibility, exemptions for children, head of household, mortgage deductions, reading tax returns
- Real estate and mortgages: types of mortgages, mortgage resources, calculating equity, closing costs, capital gains, buying a house, appraisals and comparative market analyses
- Retirement Plans: different kinds of retirement plans and methods for dividing them
- Self-employment issues and small business valuations
- Miscellaneous assets: royalties, residuals, stock options, ESOPs, deferred compensation, lawsuits
- Child support and child support add-ons
- Spousal support factors
- Move-aways (custody)
- Infant overnights
- Credit, credit reports
- Basic financial planning
- Basic court procedure

Mediation Style: Approximately mid-range between facilitative and evaluative, with ability to give guidance to clients who need it by:

- Offering suggestions;
- Reality testing options;
- Running child support and spousal support numbers on the computer, and explaining the results;
- Providing legal information (not advice);
- Serving as a referral source for supporting professionals;
- Pointing out issues clients may have missed;
- Explaining tax issues and implications when applicable.

Mediator-administrative functions in the mediation room also include:

- Keeping track of the time remaining in the session;
- Making sure that if clients have strayed from the agenda that they have done so intentionally (keeping things on track);
- Reiterating the clients' stated goals if things get off track and maintaining the buy-in for the mediation process;

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- Making sure that the product vs. process tug of war is in balance, and being transparent about it if it's not in balance;
- Being the "bad cop" if office policies or boundaries are being violated or if clients are out of control;
- Preparing the bill at the end of the session and collecting the fee (or handing the collection over to the DRA). Final responsibility for collection of the fee lies with the attorney-mediator.

### Post-Mediation Session Tasks:

- Prepare Session Evaluation and Planning forms;
- Write mediation summary letters;
- Proofread legal paperwork;
- Draft Stipulated Judgments.

### Commitment to Lifelong Learning:

- Give feedback as to training needs, trends seen among clients in mediation, and improvement of office procedures;
- Case conferencing;
- Attend bi-annual Peace Talks Vision Meetings;
- Optional, but preferred: actively participate in professional organizations and conferences as attendee and presenter.

Authority: This position reports on a day-to-day basis to the Dispute Resolution Associate for scheduling and practical needs. This position reports to the CEO for all other matters. In the mediation room, this position has complete authority to decide and to act, along with the co-mediator assigned to the case, but must notify either the DRA or CEO after session is complete.

## **Responsibilities based on Key Result Areas:**

1. Mediation	a. Facilitation, guiding the mediation discussion
	b. Providing legal information (not advice), running support guidelines computer program
	c. Reality testing, helping clients understand ramifications of choices
	d. Assisting & supporting co-mediator with discussions
	e. Issue spotting
	f. Admin functions, e.g., note taking, keeping track of time during session, setting and staying with agenda, calculating client bill, etc.
2. Post-Session Follow Up with Clients	a. Drafting mediation summary letters
	b. Holding boundaries/responding to between-session client contact as appropriate
	c.

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	d.
	e.
	f.
3. Pre/Post Session Follow up with Co-Mediator and Peace Talks	a. Completing post-session evaluation forms
	b. Completing post (or pre) session planning forms
	c. Case conferencing (as needed basis)
	d. Update online calendar (Airset) daily, respond to e-mail about cases and scheduling daily
	e.
	f.
4. Participate in Peace Talks Vision and Business Improvement	a. Provide feedback as to post-session evaluation forms and how to improve mediation skills, services offered, and overall client experience at Peace Talks
	b. Provide feedback as to improvements for pre and post session planning
	c. Attend and actively participate in bi-annual Peace Talks Vision Meetings
	d. Attend and participate in Peace Talks recruitment "rush" to meet new prospective mediators
	e. Provide online feedback via online surveys re: Peace Talks office issues
	f.
5. Training and Feedback	a. Provide feedback as to additional training needed or desired
	b. Provide feedback as to Peace Talks procedures
	c. Provide feedback as to trends seen among clients in mediations and in mediation field
	d. Become/remain active in professional organizations and conferences
	e.
	f.
6. Other Duties to be Assigned	a.
	b.
	c.
	d.
	e.
	f.