

Mediator Panels for Legal Aid

Mediators are finding ways to assist Legal Aid of North Carolina (LANC). Only 2 of 10 lawyers volunteer to handle cases for Legal Aid. NCBA Momentum 2010 goal is to increase volunteer lawyers for North Carolina Legal Services offices by ten per cent. In response, the Dispute Resolution Section has established regional mediator panels to assist LANC.

NCBA President Charles Becton has challenged us to be of service and to enhance the image of the legal profession. Doing public service is personally fulfilling. This is an opportunity for certified mediators.

Legal Aid cases for mediation include general civil Superior Court cases, matters before the federal courts, workers' compensation, wage and hour claims, and breach of employment contracts.

Legal Services clients are presumed indigent. Settlements or recoveries for Legal Services clients are often not large. If the settlement is small, paying a mediator reduces the justice which the client feels they have received.

Legal Aid lawyers could rely on the "lottery" of court appointment for a mediator. However, there is hesitancy among Legal Aid lawyers to seek a mediator of their choosing. That hesitancy comes from the likelihood that a Legal Aid client will have difficulty paying, that is, a mediator will not be fully paid for the mediator's work. The Legal Aid lawyer may be embarrassed to ask a mediator to work without full compensation.

The panels provide a choice of mediator for the parties and remove that hesitancy. The list of mediators will be available to Legal Aid offices and to Trial Court Coordinators.

Ethical guidance for this program was obtained in 2008 and can be found at the N. C. Dispute Resolution Commission website. Specifically Advisory Opinion 08-14, www.nccourts.org/Courts/CRS/Councils/DRC/Documents/14-08_final072408.pdg, discusses mediating without charge or at a reduced charge.

Over eighty mediators have volunteered. Their names are listed below.

More mediators are needed. If you would like to volunteer, contact Dispute Resolution Section Pro Bono Committee Co-Chair Rick Igou at igou@earthlink.net. Rest assured that you will not be called upon to mediate without charge on innumerable occasions.