

**APPLICATION FOR ELIGIBILITY FOR CPS MEDIATOR APPOINTMENTS
IN CPS CASES IN THE TRAVIS COUNTY CIVIL DISTRICT COURTS**

(For appointments made pursuant to TX Govt. Code §§ 37.001, et seq.)

INSTRUCTIONS:

** Please return your completed form along with a copy of your CLE transcript showing relevant CLE to:*

District Judges' Office, 1000 Guadalupe Street, Room 327, Heman Marion Sweatt Courthouse

or email to: Appointments.Fees@traviscountytexas.gov

Please be aware that any applications received will be held until such time as all pending applications for that month can be reviewed at the next monthly review meeting.

Please Note: All CPS Mediator Appointments are Court Orders made at the discretion of the Court. Prospective mediators who apply for the CPS Mediator list are not guaranteed any court appointments, even if they complete the mandatory training and meet minimum requirements. A mediator may be denied admission to or removed from the CPS Mediator appointment list at any time at the Court's discretion.

Applicant Information:

Last Name: _____ First name: _____

Mailing Address: _____

Telephone Number: _____ Fax Number: _____

Firm Name: _____

Email address: _____

State Bar Number: _____ I have been licensed to practice law in the State of Texas since _____
(Please Note: ONLY Mediators who are licensed attorneys are eligible for placement on this CPS Mediator List.)

Please list all relevant certifications or licenses with applicable dates relating to your qualifications:

Please describe your experience with handling **Civil CPS cases** as an attorney and/or mediator (ie. how many cases have you mediated, how many jury/bench trials handled, how many hearings handled, how many appeals handled, what type of parties you have represented (DFPS? Parents? Children?), and in what TX counties or other US states has your experience been? *(You may attach a resume and/or additional pages as needed)*

Other Experience as Attorney / Mediator: Please check and describe your experience

Area of Experience

Describe: Years' Experience / No. of Cases as Attorney and/or Mediator and in what Counties

- Criminal law
- Family law
- Juvenile law
- Other

Special Skills: Please indicate any language, special skills, or expertise that may be relevant to this application.

Language

Other Areas of Expertise

- Fluent in Spanish
- Fluent in Vietnamese
- Fluent in Sign Language
- Other: _____

- Social Work
- Education
- Mental Health
- CASA training (# of hours ____)
- Other: _____

(Additional details you wish to disclose regarding your regarding special skills:)

Availability:

Please indicate below which days of the week you believe you would *generally* (ie. more often than not) be available or unavailable to conduct mediations if your application is accepted:

Monday:	Available	Unavailable
Tuesday:	Available	Unavailable
Wednesday:	Available	Unavailable
Thursday:	Available	Unavailable
Friday:	Available	Unavailable

Annual Renewal Requirement:

Upon approval, a mediator may be added to the list of approved CPS mediators at any time throughout the year however the mediator's status on the list expires at the end of the following April. Each year, during the month of April, a mediator must re-apply if they wish to have their name continued on the CPS mediator list. If a mediator who has been added to the CPS mediator list fails to re-apply during the month of April, their name will be automatically removed from the list at the end of the month of April.

Certification of CPS Mediator Minimum Requirements and Policies

INSTRUCTIONS: Please place your initials next to each of the following requirements below to certify that you agree and these apply to you. Please also sign the statement on Page 8 below.

Mandatory Minimum Qualifications / Experience: *(initial each below that applies to you)*

- _____ I have completed all CLE courses described below as “Mandatory CLE” *(or equivalents as attached)*.
- _____ I am currently an attorney in good standing with the State Bar of Texas. I agree to notify the District Judge’s Office, in writing as soon as practicable, if I am no longer an attorney in good standing with the State Bar, including as a result of disbarment, disciplinary action, or failure to complete required MCLE.
- _____ I am eligible to serve as a mediator in the State of Texas, meet all statutory requirements, and all of my professional mediator certifications and/or licenses are current.
- _____ I have completed a minimum of 4 hours of domestic violence training for mediation as required by Civil Practice and Remedies Code Sec. 154.052(b).
- _____ I have completed the 40 hour basic mediator training course provided through the Dispute Resolution Center (or another program providing similar training, which is: _____)
- _____ I have at least one (1) of the following *(please initial which of the following applies to you)*
- _____ board certified in family law or certified in child welfare law; AND/OR
- _____ at least 3 years experience as an attorney for children and/or parents in CPS cases; AND/OR
- _____ have successfully completed a minimum of five (5) family law or CPS mediations.

Requirements for Conducting Mediation: *(initial each below to certify that you agree)*

- _____ I agree that I will provide the parties with a Pre-Mediation Survey and basically familiarize myself with the case in advance of each mediation I am appointed to conduct. I understand the cost of this is my responsibility and may not be billed to Travis County as an addition to my mediation fee.
- _____ I agree to provide appropriate physical space for each mediation to which I am appointed, which shall include at least three separate rooms available for use by the mediation participants. I understand the cost of this is my responsibility and may not be billed to Travis County as an addition to my mediation fee.
- _____ I agree that I will remain on-site for the duration of every mediation I conduct and will not allow my time to be diverted to other cases during the time I am billing for a mediation I am conducting.
- _____ I agree that I will supply beverages and snacks for all mediation participants and a lunch for all mediation participants who attend a full day mediation. I understand the cost of this is my responsibility and may not be billed to Travis County as an addition to my mediation fee.
- _____ I agree that I will take primary responsibility for drafting the mediation agreement so that it is complete on the day of the mediation and participants may sign before they leave the premises.
- _____ I agree that I will maintain copies of any form documents which are reasonably likely to be needed by the parties during the mediation and I will have those available on hand for use on the day of the mediation.
- _____ I agree to make arrangements to supply a notary for any documents in which a notary is needed on the date of the mediation. I understand the cost of this is my responsibility and may not be billed to Travis County as an addition to my mediation fee.

Management of Conflicts: *(initial each below to certify that you agree)*

- _____ I understand I must manage my own conflicts and agree that if I am currently active on the CPS Attorney Appointment List in Travis County (aka “the CAFA List”), I will be placed on “inactive status” on that list

upon being approved as a CPS mediator, for the purpose of minimizing any potential conflicts as a mediator. I will agree to remain inactive on the Travis County CPS attorney appointment list for as long as I am active on the CPS mediator list.

Please also disclose any other potential conflicts of interest that you anticipate would be likely to arise in relation to your appointment as a mediator in a CPS case in Travis County:

Communication / Eligibility / Posting: *(initial each below to certify that you agree)*

_____ I have the ability to receive email, and I monitor all emails I receive at least every 24 hours.

_____ I agree that, when, due to vacation, illness, or workload, I do not wish to be appointed for some period of time, I will request, in writing to the District Judges' Office, not to be appointed temporarily. I understand that excessively frequent and/or lengthy requests not to be appointed temporarily may justify my removal from the list.

_____ I understand the District Judge's Office will post my name as an eligible mediator for any of the requested appointments pursuant to Texas Gov't Code Sec. 37.005. Additionally, such appointment will be pursuant to Texas Gov't Code Sec. 37.004.

MANDATORY CLE: *(Please attach your CLE Transcript and initial below to certify that you have completed each of the CLE courses listed below which are mandatory for all CPS mediators, or equivalents described in an attachment to this application.)*

_____ **(Date Completed:** _____ **)** Representing Children in CPS Cases (OR AN EQUIVALENT COURSE DESCRIBED IN AN ATTACHMENT TO THIS APPLICATION) (online class / mp3; can be completed online through www.TexasBarCLE.com) (Reduced fee for lawyers who agree to take court appointed CPS cases); MCLE Credit: 3 hrs. (includes 0.5 hrs. ethics); MCLE No: 174020154; Expires 6/30/19 – you must complete the course and report your MCLE hours prior to this date to receive credit; and

_____ **(Date Completed:** _____ **)** Representing Texas Parents in Abuse and Neglect Cases (OR AN EQUIVALENT COURSE DESCRIBED IN AN ATTACHMENT TO THIS APPLICATION) (online class / mp3; can be completed online through www.TexasBarCLE.com) (Reduced fee for lawyers who agree to take court appointed CPS cases); MCLE Credit: 3.25 hrs. (includes 1 hr. ethics) MCLE No: 174033843; Expires 11/30/2019 – you must complete the course and report your MCLE hours prior to this date to receive credit, and

_____ **(Date Completed:** _____ **)** Thinking Ahead: Dealing with Appeals Issues in CPS Cases (OR AN EQUIVALENT COURSE DESCRIBED IN AN ATTACHMENT TO THIS APPLICATION) (online class / mp3; can be completed online through www.TexasBarCLE.com) (Reduced fee for lawyers who agree to take court appointed CPS Cases); MCLE Credit: 1.50 hrs (includes 0.25 hrs ethics); MCLE No: 174020139; Expires 6/30/2019 – you must complete the course and report your MCLE hours prior to

this date to receive credit, and

(Please also initial below if you are applying for your second or later year as a CPS Mediator, or write “N/A” if this would be your initial year of service as a CPS mediator.)

_____ I certify that (in addition to the one-time completion of the CLEs listed above) I have completed at least four (4) hours of additional CPS-related CLE during the past 12-months, a record of which is attached to this application *(or I have received a judicial waiver of the 4-hour annual CLE maintenance requirement, in writing, which is attached to this application.)*

Billing / Invoicing / Reporting:

_____ I understand that Travis County pays a flat fee of \$1,300 for a full day mediation and \$650 for a half day mediation (of 4 hours or less) and no expenses beyond these flat fees are paid to mediators (These rates were made effective October 1, 2017 and are subject to modification)

_____ I understand that the Civil Courts utilize the Appointment Management Portal (AMP) for all invoice submissions in CPS cases. I understand that all mediators will need to register for access to AMP and comply with all the instructions in the AMP user guide to be provided to all users by email upon registration. Registration is available here: <http://www.traviscourtsapplications.org/courtsuserregistration/register/amp>

_____ I also agree to comply with each of the following Invoicing / Billing / Reporting Policies:

a. Invoice Submission Deadline: An invoice submitted more than one year after the services were rendered must be accompanied by an explanation of good cause for the delay, without which the invoice is considered untimely and unreasonable. Because a Judge reviews all bills, please avoid descriptions that may be construed as ex parte communications. Late invoices will be processed in the order received and are subject to available funds.

b. Full Day vs. Half Day: As noted above, a mediator has the option to tender an invoice for reimbursement of mediation services at either a “full-day” or “half-day” rate. This may be based on the amount of time that the mediation was scheduled to last, regardless of the amount of time the mediation actually lasted, provided that it is the Court’s expectation that mediations always be scheduled in a manner that is narrowly tailored for the minimum amount of time reasonably anticipated to be needed. Mediations scheduled for 4 hours or less in length are considered half-day mediations and mediations scheduled for more than 4 hours in length are considered full-day mediations.

c. Confirmation and Last Minute Cancellation: Regardless of an individual mediator’s own policies for last-minute cancellation of mediation appointments, Travis County does not have a “Missed appointment fee” or other standard policy for mediations which were canceled at the last minute and therefore did not actually occur. Mediators are responsible for scheduling the mediation and confirming with parties that the mediation will go forward as the date of the mediation approaches. Any request for payment for mediations canceled at the last minute must be accompanied by a detailed explanation and will be considered on a case-by-case basis.

d. Mediation Advisory Form: Mediators must agree to complete and tender the Mediation Advisory Form to the District Judges’ Office prior to or at the time of submission of an invoice requesting reimbursement for

services. Mediators should understand that payment for the mediation may not occur until a completed Mediation Advisory Form has been tendered and filed.

e. Failure to Comply with Invoicing Policies: Failure by a mediator to comply with billing and invoicing procedures in this packet may result in the reduction or non-payment of a mediation fee invoice and/or may result in the mediator receiving no future mediation assignments.

f. Assistance on Appointments/ Billing / Invoicing: mediators may contact the following for assistance with invoicing:

For technical questions please email: Courts-Help@traviscountytx.gov

For appointment questions please email: Appointments.Fees@traviscountytx.gov

For billing questions please email: CivilAttorneyFees@traviscountytx.gov

Lawyer Discipline/Criminal History / Eligibility for Attorney Appointments / Referrals: *(please disclose below)*

(1) I have been disbarred, suspended, received probation, and/or publicly or privately reprimanded as an attorney or as a member of any other profession whether in Texas or another state.

Yes No (If yes, please attach explanation.)

(2) I have been the attorney subject of a court finding of “Ineffective Assistance of Counsel.”

Yes No (If yes, please attach explanation.)

(3) I have been:

- a. charged by information or complaint with a misdemeanor offense that constitutes a crime of moral turpitude (including any charge of child abuse or domestic violence), or indicted on felony charges; or
- b. found to be a perpetrator of child abuse or neglect in any investigation by the Texas Department of Family and Protective Services that results in a disposition of “Reason to Believe”; or
- c. found by a court to have committed family violence.

Yes No (If yes, please attach explanation.)

(4) My name is currently or has in the past been **involuntarily** removed from the CAFA list of appointed attorneys or any other attorney court-appointment rotation or lawyer referral service list.

Yes No (If yes, please attach explanation.)

I understand that I have an affirmative duty to inform the District Judges’ Office within five (5) days of the day I am notified of any action or event described in sections (1), (2), (3), or (4) above.

Statement of Certification:

By tendering this application, I am asking to have my name placed on the Travis County CPS Mediator Appointment list. By my signature below, I certify that I have provided accurate information throughout the application above regarding my qualifications and compliance with minimum requirements. I have answered each of the questions above truthfully to the best of my knowledge and I now certify that, if I am appointed as a mediator in a Travis County CPS case, I will comply with each of the above policies.

Printed Name: _____

Signature: _____ Date: _____