

## **AUSTIN BAR ASSOCIATION BANKRUPTCY SECTION PRO BONO MEDIATION PROGRAM**

The Bankruptcy Section of the Austin Bar Association as part of its service to the community and the various constituents working in the bankruptcy courts, has implemented a program to provide qualified and experienced mediators at reduced or no-cost to litigants that cannot otherwise afford to utilize this method of alternative dispute resolution.

The program has recruited qualified applicants to serve as volunteer mediators. The qualifications to serve as a volunteer mediator established by the Bankruptcy Section are: 1) admission to and good standing before the State Bar of Texas; (2) admission to the Bar of the Western District of Texas; (3) a minimum of five years' experience on bankruptcy matters; (4) participation as a mediator or counsel in at least twelve mediations; and (5) either completion of a 40 Hour Basic Mediation Course or attendance or self-study of the State Bar of Texas Bankruptcy Mediation Seminar that took place on 9/11/15. A list of these mediators with their contact information will be found on the website for the United States Bankruptcy Court for the Western District of Texas ([www.txwb.uscourts.gov](http://www.txwb.uscourts.gov)). You can also contact Barbara Barron ([bbarron@bn-lawyers.com](mailto:bbarron@bn-lawyers.com)) or Kell Mercer ([kell.mercer@mercerc-law-pc.com](mailto:kell.mercer@mercerc-law-pc.com)).

In all pro bono mediations, the mediator will serve without compensation. However, there will be a minimum \$25 charge for all mediations administered by the program to cover costs of administration. The applicant(s) will be requested to identify the amount they are able to pay and provide information detailing their ability to pay (e.g., Schedules I and J). Based upon the review of the materials submitted, the program will set a fee for the mediation between the minimum \$25.00 to a maximum of \$250.00 for a qualified pro bono applicant. Financial institutions and other corporate or business litigants will be asked to pay a flat fee of \$500.00. All fees collected will be utilized to administer the program and cover any reasonable out-of-pocket expenses of the mediators.

Subject to qualifying financial requirements, any bankruptcy contested matter or bankruptcy adversary proceeding is eligible for the pro bono mediation program. Interested applicants should submit an application for consideration. The application for pro bono mediation can be found on the website listed above or obtained by contacting Kell Mercer ([kell.mercer@mercerc-law-pc.com](mailto:kell.mercer@mercerc-law-pc.com)).

All involved parties must consent to the mediation or the mediation must be ordered by the Bankruptcy Court. Subject to exceptions where appropriate, the mediations are to be half-day mediation proceedings starting in the afternoon. The parties must agree to the volunteer mediator or, if the parties cannot agree, the program chairs will select the mediator or the parties can request that the Bankruptcy Court select the mediator.

The mediations will be completely confidential and governed by the mediation rules attached hereto.

The program is administered by a volunteer committee made up of members of the Austin Bankruptcy Section with two program chairs. The current committee members include, Barbara Barron, Michael Baumer, Steve Sather, Frank Lyon, and Kell Mercer. The committee will report quarterly to the Austin Bankruptcy Section regarding the use and efficacy of the program.

**\*DISCLAIMER**

**Information regarding the Bankruptcy Section of the Austin Bar Association Pro Bono Mediation Project is provided in order to increase awareness of this service which is available to financially qualified individuals. This is not intended to be an indication by the Bankruptcy Court that any particular case is appropriate for mediation or that every individual will qualify for this service.**

**The attorney/mediators who are listed have met qualification standards established by the Austin Bankruptcy Bar Association as set forth above and have agreed to conduct mediations for qualified persons for no or a nominal charge. The fact that an individual's name appears on this list is not an endorsement of that person by either the Bankruptcy Court or the Austin Bankruptcy Bar Association. The volunteer mediators are listed alphabetically, to the extent possible; where someone's name appears on the list is also no indication of their qualifications or abilities.**

**The “\*” by a mediator's name indicates that he/she is willing to consider accepting mediations at a reduced rate where the parties do not qualify for a pro bono mediation.**