

tion holds a permanent position on the Advisory Board, which enables the Bar's leadership to be involved with constituents. Now, two annual ADR workshops are organized in conjunction with the Bar, and the first annual Agricultural Law Course co-sponsored by Texas Dispute Resolution System™ and the State Bar of Texas was held in May of 2008.

### **Moving Out of the City**

By 1992, SPAG embarked on training missions across the state in conjunction with Texas Tech University. There was an extreme need for mediators all over Texas, especially in the less-populated areas, and SPAG created the Conflict Resolution Training Institute, which later became the Dispute Resolution Training Institute™ to meet that need. Currently, the Dispute Resolution Training Institute™ provides more ADR trainings accredited by the State Bar of Texas per year than any other organization. These trainings are offered statewide on a variety of topics. The Dispute Resolution Department has offered scholarships to government employees so that they can attend the forty-hour Basic Mediation Training. The employees are then able to use these basic mediation skills in a number of departments throughout the county and other government agencies.

In 2000, with the support of State Senator Robert Duncan and Congressman Larry Combest, SPAG became the USDA-certified Agricultural Mediation service provider for the state of Texas. The Lubbock group was appointed to administer the USDA Agricultural Mediation Program for the state of Texas, thus providing affordable mediation services to producers, their creditors and other persons directly affected by actions of the USDA.

Due to the USDA Agricultural Mediation Program designation, SPAG created the Texas Rural Mediation Services™ Program, a statewide service that affords many rural residents access to mediation services for a variety of agricultural-related issues, including divorces, disputes between neighbors, boundary issues, and lender-creditor disagreements. This program allows the Lubbock system to provide ADR services to all 254 Texas counties, making it the only system in Texas to provide ADR services to the entire state. Mediators, located throughout the state, receive specialized training to handle issues related to rural living and agriculture. Texas Rural Mediation Services™ is also the only USDA Agricultural Mediation Program in the nation that is administered by a county government.

### **A Change of Scenery**

SPAG administered all of these services until October 2003, when Lubbock County assumed responsibility for operating the system after the Lubbock County Commissioners Court approved the creation of a Dispute Resolution Department. The South Plains ADR System relocated to Lubbock County office space, continuing to offer innovative and creative mediation services.

The transition from SPAG to Lubbock County was not nearly as rocky as one would think. Because the staff had been working closely with the judges for almost fifteen years, the judges knew the program and wanted to have the ADR system under their jurisdiction. As a result, Lubbock County's ADR system is the only public system in Texas overseen by the courts, a new delivery system that could serve as a prototype for other counties because it may be feasible to have all ADR services managed by the courts. In Lubbock's system, the relationship to the courts is allowing for initiatives that are responsive to the cultural changes occurring in society, such as evaluating the feasibility of developing a comprehensive system – in the tradition of the multi-door courthouse – for unrepresented litigants and other evolving populations. The system's Director serves as the Master for Dispute Resolution and ADR Coordinator as an appointed official. This also is unusual in the State of Texas; no other ADR system in Texas coordinates a court caseload and delivers ADR services. The judges delegated authority to the system to make changes and institute programs to accomplish the desired goals and objectives. The move from SPAG to Lubbock County was an opportunity for the Department to grow in ways never before imagined.

In January 2006, another "first" occurred. The system officially became the only ADR system that is also a statutorily-created Domestic Relations Office (DRO), providing various family-related services. With the DRO designation, the Community Supervision Program began under a contract with the Office of the Attorney General in December 2006. Lubbock County is one of the few Texas counties that assumes responsibility for supervising parents who owe child support. The program is unique in that no other ADR system provides the Community Supervision Office (CSO) service in Texas. Lubbock County Commissioner Patti Jones served as a member of the Texas Attorney General's County Advisory Work Group and fully supports the program. "I have seen how effective these programs can be at assisting the Attorney General with collections. The five other Counties in Texas with this contract have seen substantially higher collection rates than the state's average, and I am pleased that Lubbock County is able to contribute in the same way as those larger counties," says Jones. This expansion of services could be seen as a broader approach to ADR, giving potential disputants a proactive option to avoid disputes before they materialize. The Lubbock system is the only system offering this combination thus far, but the consolidation approach may be an option that other counties could consider.

The Lubbock County system also offers parenting plan mediations, social studies, and other related statutory Domestic Relations services, which are generally ordered by the associate judge or requested by the parties. Currently, another Office of the Attorney General contract is being implemented, with service delivery set to begin in October 2008. The Integrated Child Support Services (ICSS) contract will provide monitoring and enforcement of all new child support orders entered in Lubbock County Courts.

Due to the ever-expanding repertoire of statewide services, including mediation, training, outreach, arbitration, and educa-

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**ADR: THE PHENOMENON** "...the phenomenal success of one..." "...this phenomenon..." "Lubbock"  
*continued from page 14*

tion, it became necessary to explore brand-identification names and clarify the organization's structure as a department of Lubbock County. "We sometimes received some strange looks when we mediated cases in other parts of Texas," explains Valentini. "Everyone kept asking, 'what are you doing here' and 'what makes it okay for you to be here, because you're from Lubbock, right?'" Therefore, The Texas Dispute Resolution System™ refers to the collective services offered within the organizational structure.

Within the system, there are four distinct branches of service: Texas Rural Mediation Services™ provides alternative dispute resolution services to residents in rural areas; the South Plains Alternative Dispute Resolution System™ refers to the counties on the South Plains that contract with the Lubbock County ADR System to manage and provide ADR services. These counties are: Cochran, Crosby, Dickens, Garza, Hockley, Lamb, Lubbock, Terry, and Yoakum Counties. The Domestic Relations Office provides family-related mediation services and offers the Community Supervision Program and other child support enforcement services. Finally, the Dispute Resolution Training Institute™ provides ADR training, including forty-hour Basic Mediation Training, Family Mediation Training, Parenting Coordinator Training, Child Protective Services Mediation Training, Property Tax Arbitration Training, and various continuing education workshops throughout the state. The Institute has trained many neutrals, both in and out of state, from federal and state legislature representatives, to members of the judiciary, to emergency room personnel and everyone in between.

### Looking Ahead

Looking back over the past twenty-three years, it is clear that the state of ADR in Texas has been influenced by the efforts of the South Plains ADR System developed by SPAG and expanded by Lubbock County. Two unsung heroes of ADR, Senator Robert Duncan and Representative Delwin Jones, introduced legislation in 1999 in an attempt to minimize the intrusion on mediation records retained by public entities as a result of *In re: Grand Jury Subpoena Dated December 17, 1996*.<sup>4</sup> These legislators understood the importance of protecting mediation records and have continued similar initiatives over the years.

"ADR was such a new thing when we began twenty-three years ago," explains Valentini. "Without the steadfast resolve of the judges, mediators, bar association and other supporters of ADR through the years, I can assure you none of these firsts would be attributed to our system. 2009 will be an exciting year as we develop some new initiatives and strengthen existing ones." Administrative Judge Honorable Bradley S. Underwood agrees, saying "Gene Valentini and his staff have done a wonderful job of creating, maintaining and expanding the role of ADR and providing our citizens with what we proudly consider the best ADR system anywhere." But no matter where the credit is placed, the fact still remains that the Lubbock system is turning heads in the world of ADR.

Now the question may be posed: can the Lubbock model be replicated? If so, how can others follow in its footsteps? It has been established that the multi-door courthouse concept is an important player in the legal system. It also can be argued that in counties with larger populations, the ADR system has the potential to be an even better alternative to litigation in some cases because it generates economic benefits to the court as a result of time-saving, the corresponding impact on taxpayers and the budget realized from cost savings, and the financial and emotional benefits for citizens who are personally faced with the cost of litigation, from creating such a system. Thanks to the years of perseverance and offerings of Texas Dispute Resolution System™, no one in the state of Texas will be without access to ADR services.

### ENDNOTES

<sup>1</sup> Quote from The University of Texas School of Law's 2003 Dispute Resolution Symposium at the Center for Public Policy Dispute Resolution by Robert Mitchell in his paper entitled *Paying the Piper: Funding Dispute Resolution Centers in Texas*.

<sup>2</sup> Tex Civ. Prac. & Rem. Code § 152.002.

<sup>3</sup> *Id.* §§ 155.001—155.006.

<sup>4</sup> 148 F.3d 487 (5th Cir. 1998).



**\*Amanda McDermand** served as the Outreach Manager from August 2006 to May 2008 for the Texas Dispute Resolution System™, operated by Lubbock County's Dispute Resolution Department.



**\*\*Crystal Stone** is the Assistant Director of the Texas Dispute Resolution System™ and has worked with the system since 1998.



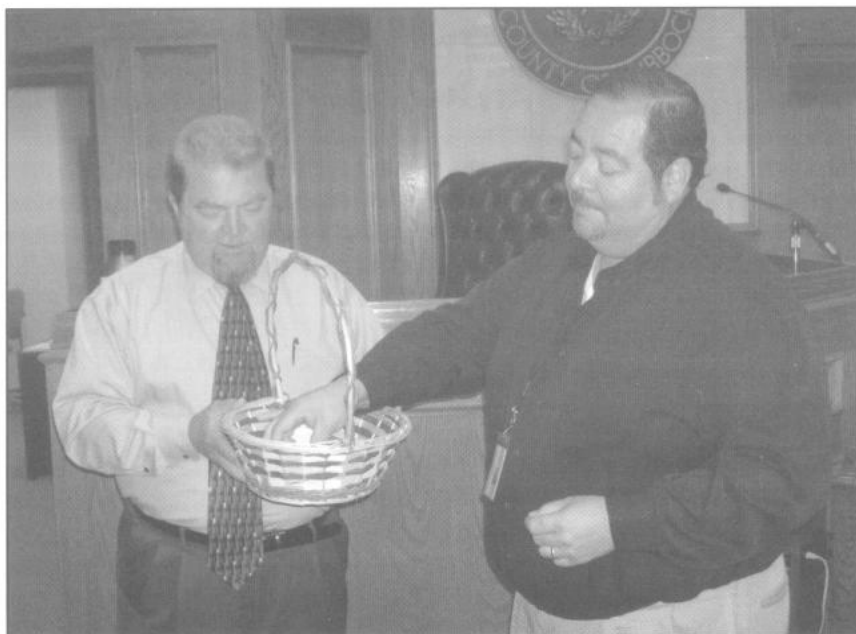
**\*\*\*Jayne Zanglein** is the Executive Director of the North Carolina Agricultural Mediation Program and teaches law and mediation at Western Carolina University. Previously, she taught ADR at Texas Tech School of Law and mediated cases in Lubbock.



**\*\*\*\*D. Gene Valentini** is the Director of the Texas Dispute Resolution System™ and teaches the Advanced ADR Clinic course at the Texas Tech School of Law. He has been actively mediating for the past 26 years.

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Dispute Resolution  
Advisory Board  
members with D. Gene  
Valentini at Dispute  
Resolution's 20<sup>th</sup>  
Birthday  
Celebration in 2005



D. Gene Valentini (L) and  
Judge Ruben Reyes (R)  
selecting 2007 Basic  
Mediation Training  
Scholarship Winners

The *Dispute Busters*  
practicing their skills in  
1991.

