

# THE TEXAS RESOLUTION CONNECTION

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## TEXAS RURAL MEDIATION SERVICES™

**What can we mediate?**

**Glad you asked!**

**The list is endless, but a few types of cases are...**

- **Compliance with Farm Programs:** farm loan, crop, farm and ranch land protection, farm conservation...
- **Employment:** employment discrimination, disputes with employer/employer...
- **Land Boundaries**

**Be on the lookout for more issues that may be mediated in future newsletters.**

## STATE BAR OF TEXAS WEBINAR

The Office of Dispute Resolution of Lubbock County participated in a live webcast held by the State Bar of Texas on November 18. David Sullivan, the Appeals and Mediation Coordinator for the Texas Farm Service Agency (FSA), discussed and answered questions regarding the informal appeals process when an adverse determination is issued. These determinations can be made at both the local and state levels and can arise from a wide range of issues, from loans and conservation to disaster relief for crops and livestock.

Once a FSA participant receives a determination that is considered adverse, the participant can enter into the agency's informal appeals process. An integral aspect of this process is mediation, a meeting between the participant and a representative of FSA to attempt to cooperatively resolve the issue at hand. Because it is available for any covered issue in the informal appeals process, Sullivan emphasized the benefits of mediation on the "resolution of factual disputes between participants and FSA."

There are three other options available besides mediation. The first is an appeal for reconsideration to the original decision maker. This is usually the first step in the appeals process, and it is lost if the participant decides to first appeal to a higher authority or request mediation. If a determination is made by a subordinate of the County Committee, the participant can appeal at the local level to the County Committee. If the County Committee's decision is appealable or the original decision maker was the State Committee, the participant can further the appeals process up to the state level. Here, the State Committee can hear new evidence and will ultimately uphold, reverse, or amend the County Committee's decision.

There is a strict timeline for each of these steps that the participant must follow. In general, the participant has 30 calendar days from the date of receipt of the adverse decision to request in writing either reconsideration, mediation, or appeal to the County or State Committee. If mediation is decided, the participant will not be penalized for days during the mediation; however, they will also not be rewarded with an additional 30 days to request review after mediation has been concluded. So for example, if a participant receives an adverse determination and waits 5 days to request mediation, those five days are lost.

*Continued on page 2...*



Director, Gene Valentini, with David Sullivan of the USDA.

## WHO WE ARE

In these newsletters, we usually highlight stories that we feel would interest our potential and current customers. However, we would like to take a step back and revisit the basics by describing who we are and what we do.

Here, at the Office of Dispute Resolution (ODR), we provide a range of problem-solving and Alternative Dispute Resolution (ADR) services, which generally include mediation, mini-trials, moderated settlement conferences, summary jury trials, and binding and non-binding arbitration. The most common type of ADR process is mediation, where people in a dispute meet with a trained, neutral mediator who assists the parties in reaching their own solution to a problem. "For me I get gratification out of being able to help people resolve their problems through mediation," said Dan Kuss, a 12 year mediator with the Texas Dispute Resolution System™. "The parties end up having more control over the outcome." These services ultimately offer individuals the ability to facilitate, evaluate, or decide a dispute in a cost effective manner, relative to more expensive and time consuming options such as traditional litigation where the individual has less control over the outcome.

The Lubbock County Dispute Resolution System began in 1985 and currently boasts the most comprehensive delivery system of any ADR system in Texas. The Juvenile Truancy Mediation Program offers a wide-array of juvenile-centered services, such as intervention, problem-solving, life goal/skills, and restoration in an effort to reduce truancy, drop-out rates, and juvenile criminal behavior. The ODR also offers the only system in Texas that provides both ADR and Domestic Relations Office services. This unique combination allows cases to flow more efficiently through the various referring courts.

*Continued on page 3...*

## COMMISSIONERS' CORNER



**Jerry Kilgore**

Jerry Kilgore had been a business owner in Howard County more than 30 years before he became a Howard County Commissioner 15 years ago. When first elected to the court, Kilgore said he realized the county needed to improve communication with the three cities located within the county if any initiatives were to be successful. That has happened, Kilgore says, and it has greatly improved the effectiveness of the county government.

"It took a while to get everyone on the same page, but we've worked hard at that," he said referring to his early days on the court.

"The county's in a good place right now. We have got our new jail, our buildings are in good shape, but these things are expensive to maintain, and we still have to find ways to fund other things that we really need."

For example, Kilgore said he fully supported the county's contract with Lubbock County to operate a juvenile truancy mediation program through the Office of Dispute Resolution.

The program is a good example of cooperation between Texas counties, Kilgore said – something that can be beneficial to taxpayers and all citizens.

"When we can work with other counties like this, we find out how others are doing things and we share experience," he said, citing examples such as fine collection and the design of the new jail as other examples where Howard County Commissioners sought the expertise of other Texas counties. "This kind of cooperation and information sharing has benefitted us greatly."

As Lubbock and Howard counties work together to offer alternative dispute resolution services for juveniles, Kilgore said he looks forward to seeing results.

"This is something we felt we needed, and we're willing to give it a try," he said. "Even in these difficult times, we have to support things that can help our juveniles."

## FSA WEBCAST (CONTD.)

But if the mediation takes a week, the participant will still have 25 days to appeal upon the conclusion of the mediation, if the issue was not satisfactorily resolved.

If the individual participant decides to waive their right to reconsideration, they can either request mediation or appeal to a higher authority. However, if mediation is sought first, it could possibly save the participant significant expense that would otherwise have been incurred from administrative appeals and litigation. Any request for rural mediation must be arranged with the Texas Rural Mediation Service™, which is provided by the Office of Dispute Resolution of Lubbock County since Lubbock County is the designated alternative dispute resolution provider for USDA related disputes in Texas. The mediation can often resolve the issue or at least provide valuable insight into the problem that can be used by the participant when later appealing to the higher authority. Mediation may also contribute to improved program management and more positive agency relationships with participants. With mediation, there is nothing to lose and potentially everything to gain.

The webcast was one of many in a Rural Texas themed series that the Office of Dispute Resolution is collaborating with the State Bar of Texas to produce. Look for future broadcasts on other issues pertinent to attorneys and other professionals serving Rural Texas.

## DOMESTIC RELATIONS

The Office of Dispute Resolution recently offered a money management class for parents who owe child support. One of the attendees recognized, through a budgeting exercise, that packing lunches instead of eating out would save enough money to pay most of the monthly child support obligation. A parenting class was also offered for parents paying child support, during which one of the attendees started to understand how important it is for their child to receive the support payments; therefore, they sold their motorcycle to make a lump sum payment. We also helped another person start rebuilding a relationship with their family through our monthly field visits by giving them job resources and helping them find a better paying job. This also enabled them to start paying regularly. We also started doing field visits to acknowledge those who are constant with their child support payments. One parent called back to say how much they appreciated the acknowledgement. They even stated, "Though it is their responsibility to pay the monthly child support payments, the acknowledgement went a long way."

## ADR THEN...AND NOW

A trip to Hart, TX on Nov. 24, 2009 to participate in PAYDAY (Preparing America's Youth Day) resulted in more than your typical presentation on conflict resolution. Junior high and high school students were able to witness two very different techniques as one of the Office of Dispute Resolution's (ODR) most tenured and one of their newest mediators joined forces.

"In my opinion, there is some electrifying energy that emerges from a team comprised of the very youngest (freshly minted) mediator, and the very oldest (first graduating class from the Lubbock ODR) mediator," said Robert Goodrich, 20 year dispute resolution veteran. "Such a team has vitality and spontaneity linked with in-depth experiential reflection that together can make powerful life changing presentations unlike anything in the marketplace today!"

Goodrich and Sherry Sanders, ODR field representative and first year mediator, teamed up to provide students with a traditional and modern take on conflict management techniques.

"I think my presentation was a lot more animated and I used language that students today are accustomed to hearing, while Robert's approach was more straightforward; he challenged the students to really think outside the box and did not shy away from using language they were not familiar with," said Sanders.

Goodrich first became a mediator in 1989, went on to establish an ADR practice in Amarillo, TX in 1990 and has taught numerous junior college and university students about the value of alternative dispute resolution (ADR) services. Surprisingly, the PAYDAY presentation was his first classroom presentation made in a high school. He believes that young people, working adults as well as retirees, can benefit from acquiring ADR skills.

"I am strongly persuaded that through the provision of ADR services in a community, an aura of peace and justice will eventually pervade the life of the community and the hearts and minds of its citizens will slowly but surely embrace a "problem solving", rather than a "problem creating" orientation in daily living," said Goodrich.

Through the experience and enthusiasm of a 20 year veteran and a newcomer, a small rural community filled with vivacious young students was hopefully able to get a better understanding of the importance of mediation services and how to manage conflict.

## WHO WE ARE (CONTD.)

Furthermore, our Dispute Resolution Training Institute™ provides basic and advanced training for individuals who are interested in becoming trained as ADR neutrals. Our successful track record and innovative programs led to our appointment as the administrator for the Texas Rural Mediation Services™ (TRMS), which is the sole provider of the USDA Certified State Agricultural Mediation Program for Texas. TRMS addresses state-wide disputes impacting USDA agencies and their participants, yet for other issues facing rural Texans, anyone in the 207 Texas counties without access to an ADR system can request mediation through the program.

We are accountable to the Lubbock County Board of Judges and have our own Dispute Resolution Advisory Board. This judicial oversight is rare for an ADR system, but we feel it fosters more collaboration and leads to a better relationship between our office and the rest of the legal community. We also hold intergovernmental contracts with the following nine surrounding counties: Cochran, Crosby, Dickens, Garza, Hockley, Howard, Lamb, Terry, and Yoakum. These counties refer cases they deem appropriate for mediation. In the past year alone, the Texas Dispute Resolution System™ received over 3,000 inquiries and referrals, the highest per capita in the state. We are currently on track to meet, if not exceed, this number again in the upcoming year.

As we look to the future, we hope to set the bar even higher. We will soon be moving up one floor to newly renovated and expanded offices, and we have hired several new employees to accommodate our growth. During the University of Texas School of Law's 2003 Dispute Resolution Symposium at the Center for Public Policy Dispute Resolution, Robert Mitchell referred to Lubbock as the "phenomenon" of public ADR systems in Texas. By all accounts 2009 was a phenomenal year, and we look forward to continuing this tradition of innovation and excellence in 2010.

## MEET THE BOARD



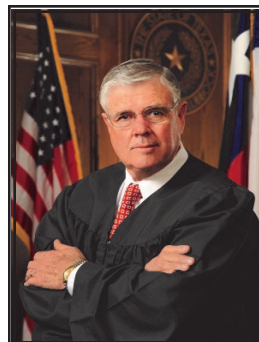
**Tom Mann**

For years Tom Mann has always found himself working to resolve disputes and maintain peace.

"Mediation is very important to our community and is a very efficient way to handle disputes. It saves money for both individuals and the government."

Tom has served on the Dispute Resolution Advisory Board (DRAB) since 2004 and is also a mediator. He spent 37 years as a police officer for the Lubbock Police Department, retiring as an assistant police chief. Tom also served on the Lubbock Victims Services Board for several years, is a Past Master of Mackenzie Masonic Lodge, a Past District Deputy Grand Master of Masonic District 93B of the Grand Lodge of Texas, and a member of the Lubbock Scottish Right.

Tom has been married to his wife Stacy for almost twenty years, and their two daughters, Emily and Amanda, both attend Frenship High School. He is currently on the board of White River Youth Camp and attends Sunset Church of Christ with his family. He owns three horses and enjoys camping and golfing in his spare time.



**Jim Dulin**

Judge Jim Dulin's public service to the residents of Lubbock County goes beyond his 12 years as Justice of the Peace for Precinct 2. Before he took his seat on the bench, Judge Dulin was a State Trooper for the Texas Department of Public Safety for 25 years.

"I very much enjoy my job with Lubbock County, as well as my former job as a state trooper, because it presents the opportunity to help a lot of people," said Judge Dulin.

His commitment to the community does not end after he is off the job. Judge Dulin has served on the Dispute Resolution Advisory Board (DRAB) since 2003. He is also on the Lubbock County Bail Bond Board, a member of Buckner International Advisory Council, chairman of the Lubbock Area Baptist Association Foundation, a deacon at Southcrest Baptist Church in Lubbock and past director and Chaplin of the Lubbock Lions Club.

"I find a lot of satisfaction in being able to help those in need," Judge Dulin said.

He credits his love for public service to his Christian beliefs, his family and his devotion to the people of Lubbock County. Judge Dulin and his high school sweetheart, Gloria, have been married for 47 years. Their son Tom Dulin is a project manager for a large construction company and their daughter Terri Nichols is a school teacher in Shallowater. They have five grandchildren, Thomas, William, Cally, Carry and Weston.

In his spare time Judge Dulin enjoys spending time at Possum Kingdom Lake, collecting tractors, and attending auction sales. Interestingly, he has been an auctioneer for over 40 years and has had several opportunities to travel to foreign countries, such as Germany, Australia and Brazil, to represent his church.

## TRAINING IN 2010

\* Dates and locations are tentative and subject to change.

### Basic Mediation Training

March 22-26, Ruidoso, NM  
April 26-30, South Padre  
May 24-28, Lubbock  
September 13-17, Nacogdoches

### Family Mediation Training

October 18-21, Kerrville

### Mediator CE (Lubbock)

April 17, September 25,  
October 30, December 11

### Health Continuing Education

May 7, Victoria  
October 28, Harlingen

### 4th Annual Health Care Symposium

October (Date TBD), Lubbock

### Juvenile Justice Symposium

April 8, Lubbock

### Estate and Transition Planning CE

May 27, Nacogdoches  
September 30, Wichita Falls  
November 18, Alpine

### Agricultural Law 2010\*

May 20-21, Lubbock

To register, please contact  
drc@co.lubbock.tx.us

To view updates and other useful information,  
visit our blog at

www.TexasMediationTraining.blogspot.com

or website:

www.co.lubbock.tx.us/drc/training.htm

\*Co-sponsored by the State Bar of Texas

NOTE: Reciprocal Continuing Education Credit available for other professions

The Office of Dispute Resolution is in the process of sending The Texas Resolution Connection newsletter by email to all our readers.

If you would like to receive this publication by email you can submit your contact email address to [drc@co.lubbock.tx.us](mailto:drc@co.lubbock.tx.us).

## RURAL HEALTH CARE OUTREACH

Healthcare is an issue that is intertwined in every aspect of our lives and affects areas that initially may not seem connected to our well-being. Those who live in rural areas face unique challenges in accessing quality healthcare and in many cases, any type of healthcare within a reasonable distance. This limited access inevitably leads to an undue burden for the entire community as additional financial strain is placed on those individuals seeking medical services. However, there are far more severe underlying issues that will arise, which TRMS can help resolve. Imagine for instance, the cotton farmer who is injured and no longer able to tend his field. This of course leads to concerns for him and his family to meet previous financial obligations without their traditional means of income, yet cases such as this extend far beyond the individual family. Relationships with physicians, facility staff/administration, employers, creditors, and even insurance providers become strained, as the entire community becomes impacted.

Texas Rural Mediation Services™ (TRMS) has the resources to help mediate any type of dispute that may occur in the rural Texas setting, whether it is among individuals, an individual and a local business, or even between two corporations. TRMS also has resources to offer conflict resolution training to those involved in the interrelationship among community members, to help prevent future problems from occurring. The current situation surrounding healthcare is unsettled and changing quickly, yet TRMS remains available, regardless of the shifting climate.

## TRAVELS AROUND TEXAS...

In the coming months, staff will be visiting and participating in many different activities around the state of Texas. Booths will be on display throughout different farm and ranch shows and many other conventions and conferences. Below is a list of places you can find us:

- **April 27-30:** San Angelo- West Texas County Judges & Commissioners Association Educational Conference
- **May 1 & 2:** Conroe- Texas Woodland & Wildlife Expo 2010
- **June 9-11:** College Station- Independent Cattlemen's Association Convention & Tradeshow



## BOARD OF JUDGES

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Honorable Cecil G. Puryear	Honorable Larry B. "Rusty" Ladd
Honorable Jim B. Darnell	Honorable Drue Farmer
Honorable Judy Parker	

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Honorable Stephen Johnson	Honorable Patricia Moseley
Honorable Melissa McNamara	Honorable Kevin Hart

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*"Dispute Resolution strives to provide a competent, effective alternative resource for the resolution of disputes."*

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