

# THE TEXAS RESOLUTION CONNECTION

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**Texas Dispute Resolution System™**  
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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...

- Agricultural Credit: operating loans, equipment financing, real estate improvements...
- Estate Settlement: Probate...
- Health Care: billing disputes, quality of care, and access to care, staff problems...

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

## BANKRUPTCY AND RURAL TEXAS



The time to act to avoid bankruptcy proceedings is when a person begins, or even anticipates, having difficulty meeting monthly payment obligations. Pressure from creditors may escalate quickly from phone calls to filing a claim of right to payment in court. According to the University of Minnesota extension website, individuals may negotiate directly with their creditors and make changes to the terms of a loan agreement. Many times these sorts of arrangements are made in situations where a person's financial problems are temporary. Persons may also use mediation or a debt counseling service to talk to the creditors to arrange lower interest rates or a reduction in the amount of outstanding debt.

If the debtor cannot use these kinds of plans or if the plans fail, creditors may try to force the debtor to file for bankruptcy. At least three separate creditors must make a claim against the debtor in order for an involuntary petition to be filed by court order. Under certain circumstances, creditors may not seek an involuntary bankruptcy. To rural Texans the most important of these exceptions is probably the one for "family farmers." Chapter 12 of The Bankruptcy Code defines a family farming operation as including "farming, tillage of the soil, dairy farming, ranching, production or raising of crops, poultry or livestock, and the production of poultry or livestock products in an unmanufactured state." If, as a last resort, a farmer elects to file voluntarily for bankruptcy, additional rules limit the total debt allowed under Chapter 12 at \$3,544,525 and at least fifty percent of that debt must arise from the farming operation. Producers with debt exceeding this limit should consult an attorney before filing in order to determine the appropriate chapter to file.

## USDA RURAL DEVELOPMENT: FEATURED GUEST ARTICLE

USDA Rural Development is committed to helping improve the economy and quality of life in rural America. Rural Development programs support essential public facilities and services, such as water and sewer systems, housing, health clinics, emergency service facilities and electric and telephone services. The Agency promotes economic development by supporting loans to businesses through banks and managed lending pools. Technical assistance is provided to help agricultural producers and cooperatives get started and improve the effectiveness of their operation. Technical assistance is also available to communities wishing to undertake and administer community empowerment programs. During Fiscal Year 2010, USDA Rural Development Business & Cooperative Programs increased rural job opportunities, facilitated the development of rural businesses, and improved economic development. In Texas, the Agency obligated more than \$139 million in Business and Industry Guaranteed Loans, Renewable Energy Loans and Grants, Rural Business Opportunity Grants, Rural Business Enterprise Grants, Value-Added Producer Grants, Rural Economic Development Loans and Grants, and Rural Cooperative Development Grants. Through the administration of these programs, 1807 jobs were saved and 1434 jobs were created.

USDA Rural Development Community Programs enhance economic opportunities and quality of life for rural Texans by funding programs such as Water and Wastewater Disposal Direct Loans, Grants, and Guaranteed Loans, Emergency Community Water Assistance Grants, Distance Learning and Telemedicine Loans and Grants, Community Facilities Loans, Grants, and Guaranteed Loans, and Solid Waste Management Grants. In Fiscal Year 2010 more than \$959 million in Guaranteed Loans, Direct Loans, and Grants were awarded in the state of Texas. The funding administered under this program improved the quality of life for 581,090 households in rural Texas.

(Story continued on page3)



## HELLO FROM OUR BIG SPRING OFFICE

In September 2009, The Office of Dispute Resolution (ODR) expanded and began a juvenile truancy program for Howard County. This expansion of services has been very successful. Howard County Judge Mark Barr stated "This is one of the best things we have implemented. We have done a lot of good things, but this is one of the best. It has made a difference." This program was created to help reduce truancy and dropout rates as well as bring an additional resource to the area schools to deal with issues such as (but not limited to) truancy, tardiness, fighting, and even curfew violations. The office receives referrals in Howard County from the Big Spring Municipal Court, Justices of the Peace, and also from the area schools. Schools refer cases on a pre-filing basis, which means the student is referred at the first sign of any undesired behavior, before it grows in severity, causing the student to end up in the court system. Since the inception of the truancy program in Howard County, the program has grown dramatically. Unique to the Howard County area are a few collaborative efforts with several community groups. The ODR sponsored a poster contest for the local sixth graders on the theme "Respect yourself... Respect others" (the winners are pictured below). Currently the drama students at Big Spring High School are producing a video about mediation which should be completed later this school year.



Winning artists received prizes from local businesses. From left are sixth grade artists Chase Williams, second place; First place winner Joe Najal; and third place winner Heavenly Edmondson.

## BUILDING STRONG FAMILIES

Staff from Texas Dispute Resolution System™ had the opportunity to educate the public on our services at the 2010 Annual Building Strong Families Conference in Lubbock. Dick Vanderpool, Juvenile Field Representative, presented attendees with information about our juvenile mediation program. The goal for these conferences is to reinforce the importance of the family unit in hopes of preventing child abuse and neglect by educating parents on the importance of parenting.



## THE SUNSET REVIEW PROCESS

The Sunset Advisory Commission was established by Texas Legislation in 1977 in order to identify and eliminate waste, duplication, and inefficiency in state government agencies. Of the 150 agencies the commission is responsible for reviewing, 28 will be going through the sunset review process during the 82<sup>nd</sup> legislative session beginning January 2011, such as the Public Utility Commission, Railroad Commission, Texas Commission on Environmental Quality, Texas Department of Information Resources, Texas Department of Insurance, and Texas Department of Transportation. The Sunset process works by setting a date on which an agency will be abolished unless legislation is passed to continue its functions. This creates a unique opportunity for the Legislature to look closely at each agency and make fundamental changes to an agency's mission or operations if needed. The agencies that fall under Sunset jurisdiction typically undergo review once every twelve years. Staff members of the Sunset Commission work with each agency throughout the entire process in order to evaluate the need for the agency. The agency review can take three to eight months depending on the agency. Sunset staff gathers information from several sources including a self-evaluation from the agency under review as well as input from the public. Once the evaluation phase of the review is completed, a report is published containing their recommendations. A public hearing on each agency under review is held after publication of the staff report. This provides an opportunity for the recommendations to be discussed, a response from the agency on the recommendations, and for public comment on the report and agency. The Commission begins its consideration of the potential changes to recommend to the Legislature. The Legislature then makes the decision to maintain, modify, or abolish the agency.

## PRE PLEA PROGRAM

This year the Office of Dispute Resolution (ODR) had a unique opportunity to collaborate in a new Pre-Plea Diversion Program with the Lubbock County Criminal District Attorney and Justice of the Peace Court 4, Judge Stratton. The Pre-Plea Program allows first time offenders, aged 21 and under, with Class C Misdemeanor charges to participate in a mediation diversion program. The diversion consists of a mediation held between the student and the parent. During the mediation the participants discuss the behavior that led up to the Misdemeanor charge and brainstorm consequences and ways to stop such behavior from occurring again. The student then has 90 days to complete the consequences agreed to during the mediation. Students who successfully complete the program will have their case dismissed by the DA.

So far, the program has been very successful, due in part to the participation of the Texas Tech law students as mediators who brought a fresh perspective to mediations involving college-age participants and helped shape this innovative new program.



## 4TH ANNUAL HEALTH CARE SYMPOSIUM

Members of the health and legal communities assembled at the Texas Tech University Merket Alumni Center for an informative dialogue on health care reform, as the Office of Dispute Resolution (ODR) hosted the Fourth Annual Health Care Symposium, "Clashing Paradigms: Where Are We Now?" The Symposium featured presentations on the effects of the Patient Protection and Affordable Care Act (PPACA), as well as discussion of quality of care issues and the ethical ramifications of the Winkler County nurse trial.

The crowd of over one hundred, comprised of hospital administrators, nurses, doctors, attorneys, social workers, nursing instructors, insurance professionals, students, and others, spent the day listening to professionals discuss the recently passed PPACA. "You're not going to find a more wide-ranging and pertinent topic than the new federal health care legislation," said Harrison Hill, ODR's Assistant Director for Education and Training. "One way or another, everyone is affected by health care reform, but few people understand the Act's prospective impact. The goal in hosting the Symposium is to mitigate potential disputes by eliminating misinformation and misunderstanding of such a complicated issue."

The Symposium featured perspectives from three MD-JDs, a panel discussion with representatives from four major Lubbock hospitals, a panel discussion of local attorneys, as well as speakers from the Center for Public Policy Priorities, Texas Department of Insurance and AARP. Lolly Lockhart, testifying expert in the Winkler County nurse trial, was of particular interest to the nurses in the audience as she discussed the case against two nurses who were indicted for reporting standard of practice concerns about a Winkler County physician.

In addition to the topic of Dr. Lockhart, nurses were also drawn to the event by the availability of Continuing Nursing Education (CNE) credits, a first in the Symposium's history. "Obtaining the CNE credits helped make this the most successful Symposium to date," Hill said. "We are continually working to have the Symposium accredited by more professions, and next year we hope to add continuing education credit for physicians."

Preparation is underway for the Fifth Annual Health Care Symposium, which will be held October 6, 2011.

## USDA RURAL DEVELOPMENT CONTINUED...

USDA Rural Development Housing Programs ensure rural communities have access to safe, well-built, affordable housing. Funding under this program can be used to build, renovate, or purchase an existing home. Programs include Rural Housing Guaranteed Loans, Rural Housing Direct Loans, Housing Repair Loans and Grants, and Multi-Family Housing Guaranteed Loans. In Fiscal Year 2010, more the \$1 billion in assistance was made available to citizens of rural Texas. Homeownership became a reality for 8,514 families through the Direct Housing and Guaranteed Loan Programs.

For more information on any of the programs offered by USDA Rural Development, please visit our website at <http://www.rurdev.usda.gov/Home.html> or contact the Rural Development State Office at (254)-742-9710 for information on local serve centers in your community.

(Article provided by Rural Development)

## TRAINING IN 2011

Dates and locations are tentative and subject to change.

### Basic Mediation Training

Feb. 28 - March 4, 2011- Ruidoso, NM

March 28 - April 1, 2011- Salado

\*May 23-27 2011- Lubbock

September 12-16, 2011- South Padre

### Family Mediation Training

October 18-20, 2011- Kerrville

### Mediator CE (Lubbock)

January 8, February 12, April 16,

September 24, November 5, December 10

### Health Continuing Education

February 3, 2011- Alpine

May 5, 2011- Nacogdoches

September 8, 2011- Abilene

December 15, 2011- TBA

### 5th Annual Health Care Symposium

October 6, 2011- Lubbock

### Estate and Transition Planning CE

February 17, 2011- Salado

April 21, 2011- Victoria

October 27, 2011- Sherman

December 1, 2011- Harlingen

### Juvenile Justice CE

February 4, 2011- Alpine

April 2011- Lubbock (date TBA)

### Water in Texas Workshop

March 2011- Nacogdoches

### Property Tax Arbitration

September 27-30, 2011- El Paso

To register, please contact

[drc@co.lubbock.tx.us](mailto:drc@co.lubbock.tx.us)

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

[www.TexasMediationTraining.blogspot.com](http://www.TexasMediationTraining.blogspot.com)

or website:

[www.co.lubbock.tx.us/drc/training.htm](http://www.co.lubbock.tx.us/drc/training.htm)

\* Registration restrictions apply

NOTE: Reciprocal Continuing Education Credit available for other professions

## REDISTRICTING AND TEXAS

Texas will convene its 82<sup>nd</sup> legislative session at noon on January 11, 2011. This 140 day session will cover several issues that seem to be a constant struggle for Texas residents. One Topic being discussed during this session is redistricting. The U.S. Census forms that Texans received in their mailboxes recently started the decennial dance over whether cities such as Houston or San Antonio get new seats in Congress through redistricting. While the Census is nonpartisan, the redistricting process can be very political. Redistricting is probably one of the more pertinent issues for the upcoming legislative session, as Texas will gain four congressional seats--four times as many as any other state! This is truly exciting news for Texas as we will have four more voices in Congress which currently stands at twenty Republicans and twelve Democrats.

The Office of Dispute Resolution is in the process of providing 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)

## MEET THE STAFF



My name is Erlinda Gomez. I have been married to Mark Gomez for 12 years and have 4 amazing children ages 18, 16, 14, and 11. I have been working for Lubbock County's Office of Dispute Resolution as a clerk for the past six months and I love my job. I have had a very rewarding experience and have had the opportunity to meet different people from all walks of life. I grew up here in West Texas, born and raised in Lubbock, and I currently attend Texas Tech University. I am working on my Bachelors of Science degree in Social Work. I currently

run marathons, a dream I never imagined possible. I have already run many races including one full marathon and joined an actual running club. I begin my day with a run every day at 4 or 5am. I have begun training for a triathlon and later a decathlon. I currently speak to people about my challenges and triumphs to inspire them to change their lives for the better. I train with and offer help to anyone who does not believe in themselves as I did in the past.

## WATER IN TEXAS WORKSHOPS

The "Water in Texas" workshop series kicked off September 1, 2010 in Lubbock followed by Victoria, Falfurrias, and Rio Grande City. Over 150 landowners, producers, and agency representatives attended to hear the panel of experts talk about various water topics. The workshops are a collaborative effort between the ODR and various agencies across the state. The focus of the workshops is to provide information on wetlands, surface water regulations and water quality, groundwater resources, and current Texas water law and trends to help landowners, producers, and rural Texans across the state understand their rights. For more information on upcoming workshop locations and dates, contact the Office of Dispute Resolution by phone at 1-866-329-3522.

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

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