

**TENNESSEE JUDGE'S BENCH CARD FOR SUPREME COURT RULE 31
AND THE ALTERNATIVE DISPUTE RESOLUTION COMMISSION**

Order of Reference

According to Rule 31, Section 3, an order of reference marks the beginning of the ADR process in a court proceeding. An order of reference may be written or oral and can be initiated by either party or the Judge/Chancellor.

Appointment of Rule 31 listed Mediator

The parties have 15 days from the entry of the Order of Reference to choose and agree upon using a Rule 31 listed mediator. If the parties cannot agree upon a Rule 31 listed mediator, the Judge/Chancellor will nominate a Rule 31 listed neutral or neutrals pursuant to the procedure listed in Rule 31, Section 4(b) (1)-(4).

Current list of Rule 31 listed mediators

A list of active Rule 31 listed mediators can be found at:
www.tncourts.gov/programs/mediation/find-mediator.

This information is stored in a database. If you would like the contact information for active Rule 31 listed mediators in your Judicial District, please contact Claudia M. Lewis, Programs Manager, at (615) 741-2687, x1320.

Types of Rule 31 listed mediators

Rule 31 mediators can be listed as:

- General Civil
- Family
*Note: Family Mediators may also have a "specially trained in domestic violence" designation
- General Civil and Family

Reports filed by Rule 31 listed Mediator

Rule 31 listed mediators are required, pursuant to Rule 31, Section 5, and ADRC Policy No. 10, to file a:

Final Report - The Order of Reference shall require the Rule 31 Neutral to file a final report pursuant to Rule 5.06, Tenn. R. Civ. P. with the court at the conclusion of the Rule 31 ADR Proceeding. R.31, §5

Status Report- Unless otherwise directed by the Order of Reference, the Rule 31 Neutral shall file status reports with the court every 30 days until the Rule 31 proceeding is concluded. R. 31, §5

Online Report - All mediators listed pursuant to Supreme Court R. 31 will be required to submit reports as prescribed by the Commission, regarding any mediation beginning on or after January 1, 2008 except as to matters pending in state courts outside of Tennessee and the Federal Court System. Mediators will have 15 calendar days from the date of the last mediation session to submit the report to the AOC. ADRC Policy 10

Reduced Fee Mediation

With the enactment of T.C.A. §6-6-413, the Tennessee Legislature established the Divorcing Parent Education and Mediation Fund. Tennessee Supreme Court Rule 38 gives the Administrative Office of the Courts the authority to administer and distribute the funds from the Divorcing Parent Education and Mediation Fund (PEMF). Under TSC Rule 38, indigent parents may participate in court-ordered mediation at a reduced or no fee to the parents. In Sections (g), (h), and (i) of Rule 38, there are three situations described where orders of reduced fee or no fee mediations are appropriate.

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How much can the Rule 31 listed mediator charge?

There is no set amount a mediator can charge, HOWEVER; if the court orders parties to mediation pursuant to Rule 38, the mediator will be reimbursed \$50.00/hour in session (\$25 per hour per parent) and \$40.00/hour out of session (\$20.00 per hour per parent). The mediator can charge up to a maximum of 10 aggregate hours.

Mediation Opinions and Decisions

Go to:

<http://www.tncourts.gov/programs/mediation/resources-mediators/opinions/> to find the following types of mediation opinions and decisions:

- Attorney General Opinion
- Judicial Ethics Committee Advisory Opinion
- Board of Professional Responsibility Formal Ethics Opinions
- Alternative Dispute Resolution Commission Formal Grievance Decisions
- Alternative Dispute Resolution Commission Ethics Advisory Opinions

Sample motions and orders for Rule 31 and Rule 38 can be found on the AOC website at:

<http://www.tncourts.gov/programs/mediation/resources-mediators/forms-invoices>

Alternative Dispute Resolution Commission

The Alternative Dispute Resolution Commission administers the procedure for training and approving mediators for use by the courts pursuant to Supreme Court Rule 31. The commission is responsible for evaluating the success of Rule 31 ADR proceedings and for suggesting rules and revisions in rules regarding alternative dispute resolution proceedings. The commission members are appointed by the Supreme Court, and a current list of members can be found at:

<http://www.tncourts.gov/programs/mediation/commission-members>

Rules and Policies that apply to Rule 31 Proceedings and Rule 31 listed Mediators

Tenn. S. Ct. Rule 31-Alternative Dispute Resolution

<http://www.tncourts.gov/rules/supreme-court/31>

Tenn. S. Ct. Rule 38-Divorcing Parent Education and Mediation Fund

<http://www.tncourts.gov/rules/supreme-court/38>

ADR Commission Policies-as of April 24, 2012

<http://www.tncourts.gov/programs/mediation/resources-mediators/policies>

Alternative Dispute Resolution Contact Information

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