

IN THE TENNESSEE ALTERNATIVE DISPUTE RESOLUTION COMMISSION

Advisory Opinion No.: 2024-0002

The Alternative Dispute Resolution Commission received a request for an advisory opinion from a Tennessee Rule 31 Listed Mediator. The request has been modified for purposes of response within the context of Rule 31. The Ethics Advisory Opinion Committee, consisting of Floyd Flippin, Cindy Ettingoff and Jeffrey Ward, reviewed the request and issued the following opinion.

Inquiry:

1. *May a formerly Listed Tennessee Supreme Court Rule 31 Mediator – who is not currently Listed - continue to advertise (letterhead, business card, website, word of mouth, etc.) and/or otherwise hold themselves out to be a Rule 31 Listed Mediator, Rule 31 Listed Civil Mediator, Rule 31 Listed General Civil Mediator, Rule 31 Listed Family Mediator, or Rule 31 Family Law Mediator?*
2. *Even by/with the agreement of the parties, may a non-Tennessee Supreme Court Rule 31 Listed Mediator conduct Tennessee Supreme Court Rule 31 mediations? In other words, can a person who is not a Rule 31 Listed Mediator conduct Rule 31 mediations?*
3. *May a Tennessee Supreme Court Rule 31 Listed Mediator knowingly conduct mediations that are not conducted pursuant to Tennessee Supreme Court Rule 31?*
4. *May any Tennessee Court (Municipal, General Sessions, Juvenile, Circuit, Chancery, etc.) allow or permit a person who is not a Tennessee Supreme Court Rule 31 Listed Mediator to conduct mediation on/with any eligible civil action assigned to their respective docket(s), whether (or not) the mediation has been ordered by the court?*

Response:

1. No. The Commission has previously issued a response related to this subject matter. Please see [Advisory Opinion 2019-004](#).
2. No. The Commission has previously issued a response related to this subject matter. Please see [Advisory Opinion 2023-0002](#).
3. Yes. Rule 31 applies only to mediations conducted pursuant to Rule 31. Rule 31 mediators are not prohibited from conducting *mediations in the private sector outside the ambit of Rule 31*.
4. Yes. The Commission has previously issued a response related to this subject matter. Please see [Advisory Opinion 2019-002](#).

References:

Rule 31, Section 1 - Application

The standards and procedures adopted under this Rule apply only to Rule 31 Mediations and Rule 31 Mediators serving pursuant to this Rule. The standards and procedures do not affect or address the general practice of mediation or alternative dispute resolution in the private sector outside the ambit of Rule 31. Pursuant to the provisions of this Rule, a Court may order the parties in an Eligible Civil Action, as defined in Section 2(f), to participate in a Rule 31 Mediation.

ADRC Advisory Opinion 2019-0004

ADRC Advisory Opinion 2023-0001

ADRC Advisory Opinion 2023-0002

Date Issued: July 18, 2025

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Floyd Flippin, Committee Chair

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Cindy Ettingoff, Committee Member

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Jeffrey Ward, Committee Member

*By permission:

