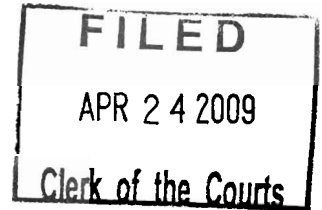


IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE



**IN RE: AMENDMENTS TO SUPREME COURT RULE 31,
SECTIONS 2(b) & 17
ALTERNATIVE DISPUTE RESOLUTION COMMISSION**

ORDER

In orders filed on December 29, 2008, this Court solicited written comments from the bench, bar, and public regarding amendments to Tenn. Sup. Ct. R. 31, §§ 2(b) and 17 proposed by the Alternative Dispute Resolution Commission. The order specifically directed the Appellate Court Clerk to provide copies of the proposed amendments to the media and to post the proposed amendments on the Tennessee Supreme Court's website. The deadline for submitting comments expired on March 2, 2009. The Court appreciates the comments it has received regarding these amendments.

Upon due consideration, this Court hereby amends Tenn. Sup. Ct. R. 31 by deleting current Section 2(b), the first paragraph of Section 17, and Sections 17(d)(1), (h), and (i) in their entirety and by adopting revised Section 2(b), the first paragraph of Section 17, Sections 17(d)(1), (h), and (i) which are attached hereto as Exhibit A.

These amendments shall take effect upon the filing of this order. The Clerk shall provide a copy of this order to LexisNexis and to Thomson-West. In addition, this order shall be posted on the Tennessee Supreme Court's website.

FOR THE COURT:

JANICE M. HOLDER, CHIEF JUSTICE

The signature of Janice M. Holder is written in cursive over a horizontal line. Below the line, her name and title "JANICE M. HOLDER, CHIEF JUSTICE" are printed in a bold, sans-serif font.

Exhibit A

Rule 31. Alternative Dispute Resolution

The following amended Section 2(b) of Tenn. Sup. Ct. R. 31 replaces the existing Section 2(b) in its entirety:

(b) “Baccalaureate degree” and “graduate degree” are only those degrees awarded by an institution of higher education accredited by an agency recognized by the Council for Higher Education (CHEA) and approved or listed by the United States Department of Education as a recognized accrediting agency. A law degree from an educational institution recognized by the Tennessee Board of Law Examiners for the purpose of allowing its graduates to be eligible to take the Tennessee bar examination shall be deemed a graduate degree for the purpose of this rule.

The following amended first paragraph of Section 17 of Tenn. Sup. Ct. R. 31 replaces the existing first paragraph of Section 17 in its entirety:

Section 17. Rule 31 Mediators. No person shall act as a Rule 31 Mediator without first being listed by the ADRC. To be listed, Rule 31 Mediators must pay application fees set by the ADRC and must comply with the qualification and training requirements set forth in this section. All training must have been approved by the ADRC as set for in section (f) below and must have been completed within the fifteen years immediately preceding the application seeking Rule 31 Mediator listing.

The following amended Section 17(d)(1) of Tenn. Sup. Ct. R. 31 replaces the existing Section 17(d)(1) in its entirety:

(1) Upon petition to and acceptance by the ADRC, the following persons may be qualified as Rule 31 Mediators without first complying with the qualification and training requirements set forth in Section 17(a), (b), or (c): (i) graduates of accredited law schools who have passed a law school mediation course which awards at least three semester hours credit and which includes the curriculum components set forth in this Rule or their substantial equivalent as determined by the ADRC and who have four years of practical work experience; (ii) trained mediators who substantially comply with the qualifications set forth for Rule 31 Mediators in general civil cases or Rule 31 Mediators in family cases as may be determined by the ADRC with the assistance of the AOC Programs Manager, provided that their training be the substantial equivalent of that required under this Rule and that the training has been completed within fifteen years prior to the application. If a trained mediator has complied with the qualifications for approval as a mediator by another state and such approval has been granted, and if the mediator is in good standing in such state at the time of the application for approval in Tennessee, the ADRC may, upon review of the qualifications of the applicant, waive such training requirements as required by Section 17.

The following amended Section 17(h) of Tenn. Sup. Ct. R. 31 replaces the existing Section 17(h) in its entirety:

(h) Application By Retiring or Resigning Judge or Court Clerk for Listing as Rule 31 Mediator. A sitting judge or sitting court clerk whose retirement or resignation is pending may apply to be listed as a Rule 31 Mediator. For purposes of this Rule, a sitting judge includes a full-time judge, full-time referee, a full-time administrative law judge, or a senior judge. For the purpose of this Rule, a sitting court clerk includes a clerk and master, circuit court clerk, criminal court clerk, juvenile court clerk, or general sessions court clerk. Upon the ADRC's determination that a judge-applicant or a clerk-applicant meets the qualifications and training requirements set forth in this Rule, the ADRC shall notify the judge-applicant or clerk-applicant in writing that the requirements for being listed have been met. The Commission shall not list a judge-applicant or clerk-applicant as a Rule 31 Mediator until the effective date of the judge-applicant's or clerk-applicant's retirement or resignation, at which time the judge-applicant or clerk-applicant may request in writing to be listed by the ADRC as a Rule 31 Mediator. The ADRC shall then place the judge-applicant or clerk-applicant on the list of Rule 31 Mediators. This provision does not affect the status of any judge who has been granted inactive status as a Rule 31 Mediator prior to the adoption of this provision.

The following amended Section 17(i) of Tenn. Sup. Ct. R. 31 replaces the existing Section 17(i) in its entirety:

(i) Listing of Part-time Judicial Officers. The part-time judicial officers designated below may be listed as active Rule 31 Mediators, subject to the following limitations, if they otherwise meet the requirements of this Rule. For the purpose of this provision, "part-time judicial officer" means a judicial officer who serves by election or continuing appointment in a judicial office created as a part-time position.

(1) **Part time Municipal Judge.** A part-time municipal judge listed as a Rule 31 Mediator shall not conduct a mediation in any proceeding in which the mediator has served as a judge or in any other proceeding related thereto.

(2) **Part-time Juvenile Referee.** A part-time juvenile referee listed as a Rule 31 Mediator shall not conduct a mediation in (A) any proceeding in which the mediator served as a referee or in any other proceeding related thereto, or (B) any proceeding in which a party was or is involved in a case in any like manner before the referee.

(3) **Part-time Divorce Referee.** A part-time divorce referee listed as a Rule 31 Mediator shall not conduct a mediation in (A) any proceeding in which the mediator has served as a referee or in any other proceeding related thereto, or (B) any

other proceeding in which a party was or is involved in a case pending in any manner before the referee.

(4) **Part-time Referee.** A part-time referee listed as a Rule 31 Mediator shall not conduct a mediation in (A) any proceeding in which the mediator has served as a referee or in any other proceeding related thereto, or (B) any other proceeding in which a party was or is involved in a case pending in any manner before the referee.

(5) **Part-time General Sessions Judge.** A part-time general sessions judge listed as a Rule 31 Mediator shall not conduct a mediation in any proceeding in which the mediator served as a judge or in any proceeding related thereto.

(6) **Part-time Juvenile Judge.** A part-time juvenile judge listed as a Rule 31 Mediator shall not conduct a mediation in (A) any proceeding in which the mediator has served as a judge or in any other proceeding related thereto, or (B) any other proceeding pending before a court on which the judge serves or in any court subject to the appellate jurisdiction of the court on which the judge serves.

(7) **Part-time Special Master.** A part-time special master listed as a Rule 31 Mediator shall not conduct a mediation in (A) any proceeding in which the mediator has served as a special master or in any other proceeding related thereto, or (B) any other proceeding in which a party was or is involved in a case pending in any manner before the special master.

(8) **Part-time Administrative Law Judge.** A part-time administrative law judge listed as a Rule 31 Mediator shall not conduct a mediation in (A) any proceeding in which the mediator served as an administrative law judge or in any other proceeding related thereto, or (B) any other proceeding in which a party was or is involved in a case pending in any manner before the administrative law judge.