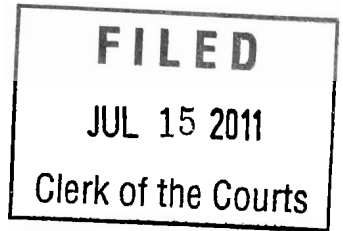


IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE



**IN RE: ADR COMMISSION'S PETITION FOR THE ADOPTION OF  
AMENDED TENN. SUP. CT. RULE 31**

---

**No. M2011-01453-SC-RL1-RL - Filed: July 15, 2011**

---

**ORDER**

On July 5, 2011, the Alternative Dispute Resolution Commission filed a petition asking the Court to amend Section 2(b) of Rule 31, Rules of the Tennessee Supreme Court. The Commission's proposed amendment is set out in the attached Appendix to this Order.

The Court hereby publishes the proposed amendment for public comment and solicits written comments from the bench, the bar, and the public. The deadline for submitting written comments is Thursday, September 15, 2011. Written comments should be addressed to:

Michael W. Catalano, Clerk  
100 Supreme Court Building  
401 Seventh Avenue North  
Nashville, TN 37219-1407

and should reference the docket number set out above.

The Clerk shall provide a copy of this order to LexisNexis and to Thomson Reuters. In addition, this order shall be posted on the Tennessee Supreme Court's website.

IT IS SO ORDERED.

PER CURIAM

## APPENDIX

### **Alternative Dispute Resolution Commission's Proposed Amendment to Tenn. Sup. Ct. R. 31**

(proposed new text indicated by underlining)

Rule 31, Section 2. Definitions.

(a) "Alternative Dispute Resolution Commission" or "ADRC" is the Alternative Dispute Commission established by the Supreme Court pursuant to this Rule.

(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. Degrees earned outside the United States shall be evaluated on a case by case basis by the Commission in order to determine whether the degree is substantially equal to a like and similar degree earned in this country and which degree if earned in this country would have been subject to the standards and academic quality which would be mandated by the foregoing accreditation process and procedure in this country.

(c) "Case Evaluation", as set forth in sections 16 and 22 herein, is a process in which a neutral person or three-person panel, called an evaluator or evaluation panel, after receiving brief presentations by the parties summarizing their positions, identifies the central issues in dispute, as well as areas of agreement, provides the parties with an assessment of the relative strengths and weaknesses of their case, and may offer an evaluation of the case.

(d) "Court" includes the Tennessee Supreme Court, the Tennessee Court of Appeals, Circuit, Chancery, Law & Equity and Probate Courts, General Sessions Courts, Juvenile Courts, and Municipal Courts.

(e) "Days," for purposes of the deadlines imposed by this Rule, means calendar days.

(f) "Eligible Civil Action" includes all civil actions except forfeitures of seized property, civil commitments, adoption proceedings, habeas corpus and extraordinary writs, or juvenile delinquency cases. The term "Extraordinary writs" does not encompass claims or applications for injunctive relief.

(g) “Judicial Settlement Conference” is a mediation conducted by a judicial officer as set forth in section 20 herein.

(h) “Mediator” is a neutral person who conducts discussions among disputing parties to enable them to reach a mutually acceptable agreement among themselves on all or any part of the issues in dispute.

(i) “Mediation” is an informal process in which a neutral person conducts discussions among the disputing parties designed to enable them to reach a mutually acceptable agreement among themselves on all or any part of the issues in dispute.

(j) “Mini-Trial”, as set forth in sections 15 and 23 herein, is a settlement process in which each side presents an abbreviated summary of its case to the parties or representatives of the parties who are authorized to settle the case. A neutral person may preside over the proceeding. Following the presentation, the parties or their representatives seek a negotiated settlement of the dispute.

(k) “Neutral” is an impartial person who presides over alternative dispute resolution proceedings as defined in this Rule.

(l) “Non-Binding Arbitration” is a process in which a neutral person or a panel, called an arbitrator or an arbitration panel, considers the facts and arguments presented by the parties and renders a decision which is non-binding as set forth in sections 14 and 21 herein.

(m) “Order of Reference” is an order of a court entered in an eligible civil action in accordance with Section 3 (Initiation), directing the parties to participate in a Rule 31 ADR Proceeding.

(n) “Rule 31 ADR Proceedings” are proceedings initiated by the court pursuant to this Rule, including “Case Evaluations”, “Mediations”, “Judicial Settlement Conferences”, “Non-Binding Arbitrations”, “Summary Jury Trials”, “Mini-Trials”, or other similar proceedings. In the context of mediations, a “Rule 31 ADR Proceeding” is any mediation of an Eligible Civil Action conducted by a Rule 31 Mediator.

(o) A “Rule 31 Mediator” is any person listed by the ADRC as a mediator pursuant to section 17 herein.

(p) A “Rule 31 Neutral” is any person who acts as a Neutral in a Mediation, Case Evaluation, Mini-Trial, Non-Binding Arbitration, Summary Jury Trial, or any other similar proceeding initiated by the court pursuant to this Rule. Rule 31 Neutrals, other than Rule 31 Mediators, are required to be licensed attorneys.

(q) A “Summary Jury Trial” as set forth in section 24 herein, is an abbreviated trial with a jury in which litigants present their evidence in an expedited fashion. The litigants and the jury are guided by a presiding neutral person. After an advisory verdict from the jury, the presiding neutral person may assist the litigants in a negotiated settlement of their controversy.