

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

**IN RE: PETITION FOR THE ADOPTION OF AMENDED
SUPREME COURT RULE 31**

No. M2010-02492-SC-RL1-RL - Filed: December 16, 2010

ORDER

On December 6, 2010, the Alternative Dispute Resolution Commission filed a petition asking the Court to amend Sections 2(n), 3(a) and 5(c) of Rule 31, Rules of the Tennessee Supreme Court. The Commission's proposed amendments are set out in the attached Appendix to this Order.

The Court hereby publishes the Commission's proposed amendments and solicits written comments from the bench, the bar, and the public. The deadline for submitting comments concerning the proposed amendments is Tuesday, February 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 Amendments to Tenn. Sup. Ct. R. 31

(proposed new text indicated by underlining;
proposed deleted text indicated by ~~overstriking~~.)

[Amend Rule 31, Section 2 (“Definitions”), paragraph (n) (“Rule 31 ADR Proceedings”) as follows:]

(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.

[Amend Rule 31, Section 3 (“Initiation/Order of Reference”), paragraph (a) as follows:]

(a) Rule 31 ADR Proceedings ~~will~~ may be initiated by the entry of an Order of Reference.

[Amend Rule 31, Section 5 (“Reports”) as follows:]

(a) 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. The final report shall state only: (i) which parties appeared and participated in the Rule 31 ADR Proceeding; (ii) whether the case was completely or partially settled; and (iii) whether the Rule 31 Neutral requests that the costs of the Neutral's services be charged as court costs. The report shall be filed within the time specified by the court in the Order of

Reference. In the event the Order of Reference does not specify a deadline, the final report shall be filed within 60 days of the initial meeting with the parties.

(b) 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 ADR Proceeding is concluded.

(c) For an Eligible Civil Action mediated by a Rule 31 Mediator, a final report shall be filed in the manner described within this Section.

(end of Appendix)