

Alternative Dispute Resolution, Tennessee Supreme Court Rule 31 and the Alternative Dispute Resolution Commission

Alternative Dispute Resolution (ADR) is a concept that is sweeping the country. It is recognized as a way to reduce delay, reduce cost, and increase consumer satisfaction in the outcome of their disputes. In 1992 the Tennessee Supreme Court created a commission to study dispute resolution in Tennessee “with a view toward the use and implementation of procedures to expedite and enhance the efforts of the courts to secure the just, speedy, and inexpensive determination of disputes.”

The recommendations of the 1992 commission resulted in the enactment of Supreme Court Rule 31 in January 1996 to establish court-based alternative dispute resolution on a statewide basis. Rule 31 created a system where litigants, courts, and attorneys can locate qualified alternative dispute resolution mediators and other neutrals and enlist their assistance in resolving matters pending before courts of record.

Rule 31 does not affect dispute resolution programs or individual cases that are resolved outside the Rule 31 system. Any case may go to mediation, arbitration, or other form of dispute resolution without having to go through the Rule 31 process. The Rule was set up to assist the court in obtaining a mediator or other neutral when the court or the parties want one.

Rule 31 also established a new Alternative Dispute Resolution Commission that spent over a year devising a way that ADR neutrals could be trained and approved for use by the courts. During this time the Rule was amended to include more detail regarding the credentials and training required for mediators. The current Rule was filed in December 1996 and amended in July 1997.

The first list of Rule 31 mediators was sent to the state’s clerks and judges in March 1997. A current list of Rule 31 mediators can be found on the Administrative Office of the Courts website at www.tsc.state.tn.us (select “Programs” and “ADR/Rule 31”).