

**TENNESSEE JUDGE’S BENCH CARD FOR SUPREME COURT RULE
31 AND THE ALTERNATIVE DISPUTE RESOLUTION COMMISSION**

Order of Reference

R. 31, §3(a) Rule 31 ADR Proceedings may be initiated by the consent of the parties or by the entry of an Order of Reference.

R. 31, §3(b) Upon motion of either party, or upon its own initiative, a court, by Order of Reference, may order the parties to an Eligible Civil Action to participate in a Judicial Settlement Conference or Mediation. With the consent of the parties, trial courts are also authorized to order the parties to participate in a Case Evaluation.

Appointment of Rule 31 listed Mediator

The parties have 15 days from the entry of the Order of Reference to choose and agree upon using a Rule 31 listed mediator. If the parties cannot agree upon a Rule 31 listed mediator, the Judge/Chancellor will nominate a Rule 31 listed neutral or neutrals pursuant to the procedure listed in R. 31, §4(b) (1)-(4).

Current list of Rule 31 listed mediators

A list of active Rule 31 listed mediators can be found at:

www.tncourts.gov/programs/mediation/find-mediator.

This information is stored in a database. If you would like the contact information for active Rule 31 listed mediators in your Judicial District, please contact the Programs Manager at (615) 741-2687.

Types of Rule 31 listed mediators

Rule 31 mediators can be listed as:

- General Civil
- Family
 - *Note: Family Mediators may also have a “specially trained in domestic violence” designation
- General Civil and Family

Reports filed by Rule 31 listed Mediator

Rule 31 listed mediators are required, pursuant to Rule 31, §5, and ADRC Policies No. 10 and No. 22, to file a:

Final Report - 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. R.31, §5

Online Report - All mediators listed pursuant to Supreme Court R. 31 will be required to submit reports as prescribed by the Commission, regarding any mediation beginning on or after January 1, 2008 except as to matters pending in state courts outside of Tennessee. Mediators will have 15 calendar days from the date of the last mediation session to submit the report to the AOC. This policy does not affect any other reporting obligation required of a Rule 31 listed mediator. ADRC Policy No. 10 (Modified January 1, 2016)

Rule 31 mediators will be required to report federal court system mediations through the AOC online process. ADRC Policy No. 22 (Adopted January 1, 2016)

Reduced Fee Mediation

With the enactment of T.C.A. §6-6-413, the Tennessee Legislature established the Divorcing Parent Education and Mediation Fund. Tennessee Supreme Court Rule 38 gives the Administrative Office of the Courts the authority to administer and distribute the funds from the Divorcing Parent Education and Mediation Fund (PEMF). Under TSC Rule 38, indigent parents may participate in court-ordered mediation at a reduced or no fee to the parents. In Sections (g), (h), and (i) of Rule 38, there are three situations described where orders of reduced fee or no fee mediations are appropriate.

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How much can the Rule 31 listed mediator charge?

There is no set amount a mediator can charge, HOWEVER; if the court orders parties to mediation pursuant to Rule 38, the mediator will be reimbursed a maximum of \$50.00/hour in session (\$25 per hour per parent) and a maximum of \$40.00/hour out of session (\$20.00 per hour per parent). The mediator can charge up to a maximum of 10 aggregate hours for in session and out of session time.

Mediation Opinions and Decisions

Go to:

<http://www.tncourts.gov/programs/mediation/resources-mediators/opinions> to find the following types of mediation opinions and decisions:

- Attorney General Opinion
- Judicial Ethics Committee Advisory Opinion
- Board of Professional Responsibility Formal Ethics Opinions
- Alternative Dispute Resolution Commission Formal Grievance Decisions
- Alternative Dispute Resolution Commission Ethics Advisory Opinions

Sample motions and orders for Rule 31 and Rule 38 can be found on the AOC website at:

<https://www.tncourts.gov/programs/mediation/resources-mediators/forms-invoices>

Resources for the Public, including A & V, PEMF, and VORP Grant Recipients can be found on the AOC website at:

<https://www.tncourts.gov/programs/mediation/resources-public>

Alternative Dispute Resolution Commission

The Alternative Dispute Resolution Commission administers the procedure for training and approving mediators for use by the courts pursuant to Supreme Court Rule 31. The commission is responsible for evaluating the success of Rule 31 ADR proceedings and for suggesting rules and revisions in rules regarding alternative dispute resolution proceedings. The commission members are appointed by the Supreme Court, and a current list of members can be found at:

<http://www.tncourts.gov/programs/mediation/commission-members>

Rules and Policies that apply to Rule 31 Proceedings and Rule 31 listed Mediators

Tenn. S. Ct. Rule 31 - Alternative Dispute Resolution

<http://www.tncourts.gov/rules/supreme-court/31>

Tenn. S. Ct. Rule 38 - Divorcing Parent Education and Mediation Fund

<http://www.tncourts.gov/rules/supreme-court/38>

ADR Commission Policies - as of June 1, 2016

<http://www.tncourts.gov/programs/mediation/resources-mediators/policies>

Alternative Dispute Resolution Contact Information

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