



## Tennessee Supreme Court

ALTERNATIVE DISPUTE RESOLUTION COMMISSION  
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**Supreme Court Liaison**

Hon. Sharon G. Lee

### Rule 31 Continuing Mediation Education Accreditation Request Form

**Provider Name:** Vanderbilt Law School  
**Address:** 131 21<sup>st</sup> Avenue South Nashville, TN 37203  
**Telephone/Fax:** 615-343-9797/615-322-6631  
**E-Mail Address:** vcp@vanderbilt.edu  
**Course Title:** Divorce This House: Ethics of Informed Decision-Making re: Real Property Valuation/Disposition in Divorce Mediation & Preventing Malpractice  
**Date(s) Held:** December 1, 2011  
**Location(s):** Nashville, TN  
**Fee for Members/Non-Members:** \$0/\$0  
**Does this course have CLE Commission Approval?** Pending – see attached

**Faculty:** Kelly Lise Murray, J.D., CLE Director, Vanderbilt Law School

Session Description	Type of Credit Requested (General Continuing Education, General Mediation Issues, Mediation Ethics, or Family Law)	Start Time	End Time	Credit Approval (Office Use Only)
<b>Ethics of Informed Decision-Making by H/W for Mediation of Divorce Real Estate</b> Comparing the Ethics requirements of TN S. Ct. Rule 31 Appendix A re: neutral assisting parties in identifying issues and reaching voluntary agreements as well as fairness, full disclosure, self-determination (informed/voluntary decisions) and TRPC 1.1 (Competence) 1.2(a) Scope of Representation, 1.3 (Diligence) 1.4 (Communication) 2.1 (Advisor) 2.4 (Lawyer as Dispute Resolution Neutral) that already mandate enhanced Real Estate Due	Family & Mediation Ethics	2:15PM	3:15PM	1.0 Hour Family Law or Mediation Ethics

<p>Diligence (re: mortgage, title, liens, insurance/CLUE reports, condition) to help lawyers and mediators anticipate problems, foster informed decision-making, and prevent real estate and financial mistakes that cannot be fixed after divorce (given permanence of MDAs and property division).</p>				
<p><b>TN Malpractice re: Divorce Real Estate Issues</b>  Exploring divorce real estate malpractice cases from TN and nationally to identify common pitfalls (failed mortgage refinance, limits of hold harmless provisions, hidden liens, default/foreclosure). Common malpractice claims – <u>that can be prevented during mediation with more real estate information</u> - include: failure to identify liens, insurance (beneficiaries), legal/financial consequences of joint debt &amp;/or joint title after divorce; inadequate investigation [<u>uninformed H/W decision-making</u>] of asset value/liabilities (incomplete real estate due diligence); inadequate financial settlement; and failure to effect a division of title to marital property (either failing to prepare quitclaim deed or failing to record deed or divorce decree/MDA). This section also addresses the impact of legal malpractice on voluntary/informed decision-making by parties during family mediation of real estate issues.</p>	<p>Family &amp; General Mediation</p>	<p>3:15PM</p>	<p>4:15PM</p>	<p>1.0 Family Law or General Mediation Issues</p>
<p><b>BREAK</b></p>		<p>4:15PM</p>	<p>4:30PM</p>	
<p><b>Mediation Checklist</b> Enhancing Real Estate Due Diligence &amp; Informed Decision-Making through real estate enhancements to mediation engagement letter (suggesting: lien/title search; mortgage consultation; insurance consultation/C.L.U.E. report; home inspection) and additions to MDA regarding real estate facts (title, property tax status, Homeowners Association Dues status, title insurance, transferring title via quitclaim deed or divorce decree/MDA, lien evidence, mortgage documents/information).  To facilitate parties' voluntary and informed decisions regarding House Value and House Disposition (whether to keep or sell the house per divorce), Mediators must understand</p>	<p>Family &amp; General Mediation</p>	<p>4:30PM</p>	<p>5:00PM</p>	<p>.50 Hour Family Law or General Mediation Issues</p>

the legal and financial impact of real estate due diligence that is mandatory when buying a house but is often excluded from divorce real estate when keeping the house.				
<b>Real Estate Panel &amp; Question/Answer Session</b> re: divorce mediation mismanagement of real estate. Panelists [President Nashville Mortgage Bankers Association; TN Land Title Association Director; Executive VP of Professional Insurance Agents of TN) will discuss what they see going wrong in judicially approved MDA's re: divorce real estate (mortgage, title, insurance issues). Panelists and Keynote Speaker will also answer questions from attendees.	<b>Family &amp; General Mediation</b>	<b>5:00PM</b>	<b>5:30PM</b>	<b>.50 Hour Family Law or General Mediation Issues</b>

**OFFICE USE ONLY**

**Total Approved CME: 3.0 Hours**  
**Date Approved: November 29, 2011**