



**Chairperson**

D. Bruce Shine, Esq.  
 Law Office of D. Bruce Shine  
 433 East Center Street, Suite 201  
 Kingsport, TN 37660  
 423-246-8433  
 brucshine@chartertn.net

**Programs Manager**

Claudia M. Lewis, Esq.

**Programs Assistant**

Sue Ann Olson

# Tennessee Supreme Court

ALTERNATIVE DISPUTE RESOLUTION COMMISSION  
 Nashville City Center, Suite 600  
 511 Union Street  
 Nashville, TN 37219  
 615-741-2687 Fax 615-741-6285

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## Rule 31 Continuing Mediation Education Accreditation Request Form

**Provider Name:** Rutherford/Cannon County Legal Professionals Association (RCCLP)  
**Address:** Linda Davenport Executive Legal Assistant c/o Bennett, Parkerson & Bray 108 North Church Street, Murfreesboro, TN 37130  
**Telephone/Fax:** (615) 962-7606; (615) 962-7617  
**E-Mail Address:** linda.davenport@stanbennettlaw.com

**Course Title:** Vetting the House: Resolving [Mediating] Real Property Issues & Preventing Ethics/Malpractice Claims in Divorce, Trusts/Estates, and Elder Law By Enhancing Due Diligence for Informed Decision-Making  
**Date(s) Held:** May 5, 2012  
**Location(s):** Embassy Suites 1200 Conference Center Boulevard, Murfreesboro, TN 37129  
**Fee for Members/Non-Members:** \$189/\$189  
**Does this course have CLE Commission Approval?** TN CLE Accreditation Pending  
**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>Real Property 101</b> 1. Differentiate Joint Debt (joint & several liability) from Joint Ownership (compare and contrast types of joint ownership: Tenants in Common, Joint Tenants with Right of Survivorship; Tenants by the Entirety – identify which include or exclude right of survivorship (RoS) and define RoS; distinguish impact of divorce and deeds changing form of ownership from conveying title/transferring ownership; 2. Distinguish Quitclaim deeds from other deed types/conveying instruments and define “vesting” and “divesting” title; 3.	General Continuing Education OR Family Law	<b>8:00AM</b>	<b>9:00AM</b>	<b>1.0 Hour General Continuing Education or Family Law</b>

<p>Compare chain of title and marketable title; define liens; explain “clouded title” from liens; confirm impact of liens on house equity calculation 4. Review TN cases/common law definition of Insurable Interest and contrast with more restrictive contract language used in house insurance policies</p>				
<p><b>BREAK</b></p>		<p><b>9:00AM</b></p>	<p><b>9:30AM</b></p>	
<p><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 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 – especially those that cannot be fixed after divorce (given permanence of MDAs and property division).</p>	<p>Family or Mediation Ethics</p>	<p><b>9:30AM</b></p>	<p><b>10:30AM</b></p>	<p><b>1.0 Hour Family Law or Mediation Ethics</b></p>
<p><b>TN Malpractice re: Real Estate Issues</b>  Exploring real estate malpractice cases (including divorce 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 real property (either failing to prepare quitclaim deed or failing to record deed or divorce decree/MDA). This section also</p>	<p>Family or Mediation Ethics</p>	<p><b>10:30AM</b></p>	<p><b>11:30AM</b></p>	<p><b>1.0 Hour Family Law or Mediation Ethics</b></p>

addresses the impact of legal malpractice on voluntary/informed decision-making by parties during mediation of real estate issues.				
<b>LUNCH BREAK</b>		<b>11:30AM</b>	<b>12:30PM</b>	
<p><b>Real Property Information (RPI) Sheet</b> Preventing malpractice &amp; enhancing Real Estate Due Diligence &amp; Voluntary, Informed Decision-Making through RPI sheet/real estate enhancements to mediation engagement letter (suggesting: lien/title search; mortgage consultation; insurance consultation/C.L.U.E. report; home inspection) 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).</p> <p>To facilitate parties' voluntary and informed decisions regarding House Value and House Disposition (whether to keep or sell the house), Mediators must understand 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.</p>	Family or Mediation Ethics	<b>12:30PM</b>	<b>1:30PM</b>	<b>1.0 Hour Family Law, General Mediation Issues or Mediation Ethics</b>
<b>BREAK</b>		<b>1:30PM</b>	<b>2:00PM</b>	
<p><b>Real Estate Panel &amp; Question/Answer Session</b> re: divorce mediation mismanagement of real estate and preventing potential malpractice/ethics claims. Panelists (Judges (pending confirmation); Bankers, Mortgage Bankers; Title Insurance; House Insurance) 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.</p>	Family or Mediation Ethics	<b>2:00PM</b>	<b>3:00PM</b>	<b>1.0 Hour Family Law, General Mediation Issues or Mediation Ethics</b>

OFFICE USE ONLY

**Total Approved CME: 5.0 Hours**  
**Date Approved: April 3, 2012**