



ADR

NEWS

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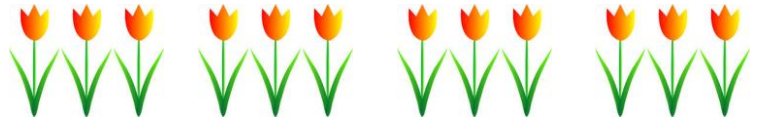
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IMPORTANT NEWS

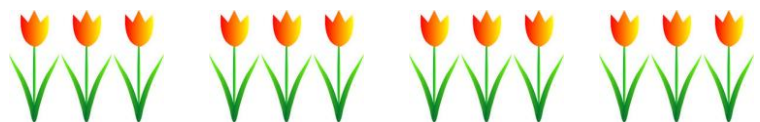
The ADRC is developing the agenda for the Twelfth Annual ADRC Workshop which will be held Friday, November 7, 2014 at Lipscomb University in Nashville. Please make plans to attend! Please note that the Workshop will *always* satisfy the CME requirements for *BOTH* general civil and family listed mediators.



Fast Stats: There were 5,606 mediations reported for 2013. Of those, 3,542 (63.2%) had all issues resolved; 521 (9.3%) had issues that were partially resolved; and 1,542 (27.5%) had no issues resolved. There were 350 pro bono mediations plus 4 additional court ordered pro bono mediations conducted in 2013.

These mediation statistics were compiled from online mediation reports submitted by Rule 31 listed mediators. Per ADRC Policy 10, "Effective January 1, 2008 all mediators listed pursuant to Supreme Court Rule 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 and the Federal Court System. 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."

You can find the online mediation report on the AOC website at: <http://www.tncourts.gov/programs/mediation/resources-mediators>. If you have lost your username and password and are unable to submit an online mediation report, please contact Claudia Lewis at (615) 741-2687 or by email at claudia.lewis@tncourts.gov. Because of the sensitive nature of the information, she will fax your username and password to you.



IN THE TENNESSEE ALTERNATIVE DISPUTE RESOLUTION COMMISSION

Advisory Opinion No.: 2014-0002

The Tennessee Alternative Dispute Resolution Commission has been asked to provide an opinion upon the following questions, posed by a Rule 31 mediator:

1. If a psychiatrist, practicing in Tennessee, is a Rule 31 approved mediator, could the psychiatrist schedule and conduct her or his mediations at the facilities where she or he maintains her or his medical practice?
2. May a Rule 31 mediator, who is a psychiatrist, provide post-mediation psychiatric treatment to a participant in the mediation?

For response to the first question, no provision of Rule 31 in its current form, would prohibit conducting a mediation within the physical space of a suite of medical offices. Mediations are conducted in law offices routinely.

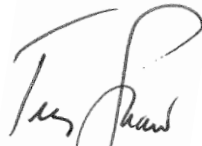
For response to the second question, Rule 31 mediators are obliged to preserve and maintain the confidentiality of all information obtained during Rule 31 ADR Proceedings. They may not divulge information obtained by them during the course of Rule 31 ADR Proceedings without the consent of the parties, except as otherwise provided by law. *Rule 31, §10,(d)*.

As for domestic matters, and beyond the provisions of Rule 31, *TCA §36-4-130*, provides that when the parties to a divorce action mediate the dispute, the mediator shall not divulge information disclosed to the mediator by the parties or by others in the course of mediation. All records, reports, and other documents developed for the mediation are confidential and privileged.

These obligations continue after the conclusion of the mediation.

It is difficult to imagine how a psychiatrist could undertake to subsequently treat a patient, who was a party to a prior mediation. One would think that the best treatment would need to proceed with the open mind of the provider. However, this would seem to be a medical ethics question, and not one for consideration by this Commission.

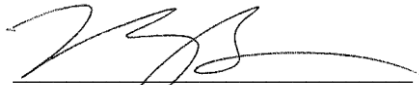
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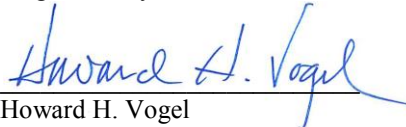
Tracy Shaw, Chair of the TADRC Ethics
Advisory Opinion Committee



Linda Nettles Harris



Virginia Story



Howard H. Vogel

ATJ Commission Establishes New Mediation Committee Under The 2014 Strategic Plan

The Tennessee Supreme Court Access to Justice Commission has established a new Committee on Mediation under the March 31, 2014 Strategic Plan. ATJ Commission Member Gail Vaughn Ashworth of Wiseman Ashworth Law Group, PLC is the Chair of the New Mediation Committee and has assembled a great team to implement the ATJ Strategic Plan Directive, which is to provide for additional pro bono mediation as follows:

“The Commission shall encourage the Alternative Dispute Resolution Commission and other groups to provide pro bono and reduced-rate mediation services to self-represented litigants, and to litigants who, although represented, have modest means or who are pro bono clients.”

The Goal under this Directive is to launch three new pro bono mediation programs/opportunities and increase the number of individual mediators doing pro bono mediation by 10% and is to be completed by March 31, 2014.

The entire ATJ Commission 2014 Strategic Plan can be viewed online at: <http://www.tsc.state.tn.us/programs/access-justice>.

The ATJ Mediation Committee met informally for the first time at the recent TBA Annual Convention in Gatlinburg in conjunction with the TBA ADR Section, which is Chaired by ATJ Mediation Committee member Jackie Kittrell, and there was a lot of enthusiasm for and creativity in the ideas that came from that group session on Friday the 13th. The Mediation Committee will be meeting regularly to develop, implement and measure progress towards the Directive and Goal of the Strategic Plan.

The team of ATJ Mediation Committee members currently include: Sandy Bledsoe (Nashville), Mary Ellen Bowen (Hohenwald), Andy Branham (Memphis), Frank Cantrell (Memphis), Rev. Dr. Jason Curry (Nashville), Jackie Dixon (Nashville), Judge Daniel Eisenstein (Nashville), Becky Jacobs (Knoxville), Jackie Kittrell (Knoxville), Tamara Losel (Nashville), Dr. Mike Mailahn (Knoxville), Minton Mayer (Memphis), Bishop Minnie Mitchell (Nashville), Linda Warren Seely (Memphis), Stephen Shields (Cordova), John Tarpley (Nashville), Liz Todaro (Nashville), Mark Travis (Cookeville) and Rita Young (Crossville).

The Mediation Committee will also be working closely this year with the ATJ Faith-Based Access to Justice Collaborations Committee and both Committees are excited about the synergies we hope to use to benefit all of the work of the ATJ Commission in Tennessee, but particularly pro bono and reduced-rate mediation services in Tennessee. At the recent ATJ Faith and Justice Alliance Summit, many attendees expressed interest in mediation and several were appointed as members of the Mediation Committee.

If you are interested in working with the ATJ Mediation Committee, or for more information about opportunities to provide or request pro bono and reduced-rate mediation services, please contact Gail Vaughn Ashworth at gail@wisemanashworth.com or Anne-Louise Wirthlin, ATJ Coordinator, Administrative Office of the Courts at Anne.Louise.Wirthlin@tncourts.gov.

About the Author

Gail Vaughn Ashworth is a founding member of Wiseman Ashworth Law Group PLC. She is a 1983 graduate of Vanderbilt Law School and holds B.S., summa cum laude, (1977) and M.A. (1979) degrees in Music Education and Special Education from Tennessee Technological University. She is a Rule 31 Listed General Civil Mediator, is a founding member of the Tennessee Academy of Mediators & Arbitrators, has practiced civil litigation in Nashville, Tennessee since 1983 and is listed in *Best Lawyers in America* (1995-current). She was appointed to the Access to Justice Commission in December, 2013.

~ Roll Call ~

Congratulations to the following Newly Listed Rule 31 Mediators!
These mediators were approved for listing at the ADRC Quarterly Meeting on April 22, 2014.

Ms. Amanda J. Alvis, General Civil
Mr. Dustin L. Baker, General Civil
Mr. Daniel P. Berexa, General Civil
Mr. Robert O. Binkley, Jr., General Civil
Mrs. Marcie K. Bradley, General Civil
Ms. Glenda M. Carbine, General Civil/Family/DV
Mr. Samuel D. Chafetz, General Civil
Mrs. Lora Y. Cobble, General Civil
Ms. Jennifer K. Comiskey, Family
Mr. Solomon C. Crockett, General Civil
Senator Dewey E. (Rusty) Crowe, General Civil
Dr. Hector A. Cruz, General Civil/Family
Mr. David A. Draper, General Civil
Ms. Pamela A. Edmond, General Civil/Family/DV
Mr. Tom C. Essary, General Civil
Mr. Russell C. Gallagher, General Civil
Mr. Jeffery S. Greene, General Civil
Ms. Kandace R. Harris, General Civil
Mr. Mark C. Hartsoe, General Civil
Ms. Irene R. Haude, General Civil
Ms. Lynda M. Hill, General Civil
Mr. Richard E. Hopson, General Civil
Ms. Chrystal W. Hubbard, General Civil
Mr. Robert L. Huskey, General Civil

Mr. Steven M. Jacoway, Family
Dr. Steven C. Joiner, General Civil
Ms. Harlene J. Labrum, General Civil
Mr. Stephan G. Lauhoff, General Civil
Mr. Dominick J. Leonardo, General Civil/Family
Dr. Catherine M. Loes, General Civil
Mr. Jeffrey M. McCue, General Civil
Mr. Michael J. Mollenhour, General Civil
Ms. Katherine S. O'Connor, General Civil
Ms. Sue Ann Olson, General Civil
Mr. Marc E. Overlock, General Civil
Mr. Joel E. Pearman, General Civil
Mrs. Christy L. Pennington, General Civil
Ms. Kathryn J. Reitz, Family
Ms. Sonja A. Revell, General Civil
Mr. Nathan D. Rowell, General Civil
Ms. Heather L. Scott, General Civil
Mr. Mitchell S. Sharpe, General Civil
Ms. Janelle A. Simmons, Family
Mr. William J. Stubbs, Family
Mr. Lawrence W. White, Family
Mr. Bryan K. Williams, General Civil
Mrs. Jennifer L.E. Williams, Family
Dr. K. Shannon Wilson, Family

Important ADRC Dates

June 3, 2014.....Rule 31 Mediator Applications Deadline for ADRC review on July 29, 2014
July 29, 2014.....ADR Commission Meeting, Administrative Office of the Courts, Nashville
September 11, 2014.....Rule 31 Mediator Applications Deadline for ADRC review on November 6, 2014
November 6, 2014.....ADR Commission Meeting, Holiday Inn-Vanderbilt, Nashville

We Would Like to Hear From You!

In an effort to encourage education and communication between and for Rule 31 listed mediators, the ADRC accepts proposed article submissions from Rule 31 listed mediators and others in the *ADR News*. All submissions may or may not be published and are subject to editing according to the Program Manager's discretion. If you are interested in submitting an article for possible publication in the *ADR News*, please contact Claudia Lewis, AOC Programs Manager, at Claudia.Lewis@tncourts.gov.