



Continuing Education for Attorneys and Mediators

GUIDE FOR EDUCATION SPONSORS

Indiana Commission for Continuing Legal Education
30 S. Meridian Street, Suite 950 Indianapolis, Indiana 46204

<http://courts.in.gov/cle>

Table of Contents

GETTING YOUR ORGANIZATION CERTIFIED AS:

Approved Sponsor for Legal and Judicial Education	4
Procedures for Approved Sponsors.....	4
Forms	5

COURSE ACCREDITATION FOR LEGAL EDUCATION:

Continuing Legal Education.....	6
Course Accreditation and Attendance Reporting Fees.....	6
Ethics Credit Policy	6
Application Checklist	6
Forms	7
Applied Professionalism Courses	8
Standards for Applied Professionalism Course for Newly Admitted Attorneys.....	8
Forms	9

COURSE ACCREDITATION FOR MEDIATOR EDUCATION:

Mediator Education Generally	10
Basic Mediation Education Reporting Requirements.....	10
Mediation Trainer and Mediation Expert	10
Course Accreditation and Attendance Reporting Fees.....	10
Basic 40-Hour Domestic Relations Mediation Training Program.....	11
Standards	11
Forms	20
Basic 40-Hour Civil Mediation Training Program	21
Standards	21
Forms	27
Civil Crossover from Domestic Relations Mediation Training Program	28
Standards	28
Forms	33
Domestic Crossover from Civil Mediation Training Program.....	34
Standards	34
Forms	44
Continuing Mediation Education (CME).....	45
Application Checklist	45
Forms	45
Educational Resources for CLE Providers.....	46
Learning about Learners	46
Additional Resources.....	46

GETTING YOUR ORGANIZATION CERTIFIED AS

Approved Sponsor for Legal and Judicial Education

Approval of legal and judicial education sponsors is outlined in [Admission and Discipline Rule 29](#) under Mandatory Continuing Legal Education Guidelines, Section 4.

Review the rule to learn about:

- Approval procedure
- Standards for approval
- Periodic audit of approved sponsors
- Presumption of course accreditation
- Fees

Approved sponsors enjoy a presumption of course approval as long as the course meets the criteria outlined in [Admission and Discipline Rule 29](#) under Mandatory Continuing Legal Education Guidelines, Section 3(a). If the course does not meet the criteria, it will be denied credit.

Procedures for Approved Sponsors

The Commission requires approved sponsors to send a brochure at least thirty (30) days before a program is presented.

After a course is presented, approved sponsors of CLE courses shall provide to the Commission within thirty (30) days:

1. A certification stating:
 - a. the full name
 - b. address
 - c. attorney number
 - d. date of course, and
 - e. the name of the educational course for all Indiana Attorneys in attendance.
2. A certification stating:
 - a. the number of ethics, and
 - b. continuing legal education hours completed by each Attorney.
 - i. The number of hours of continuing legal education completed in any course by an Attorney shall be computed by:
 1. determining the total instruction time expressed in minutes

2. dividing the total instruction time by sixty (60), and
 3. rounding the quotient up to the nearest one-tenth (1/10)
- ii. Instruction time is the amount of time a course is in session and does not include time spent on:
1. introductory remarks
 2. breaks
 3. business meetings, or
 4. Q & A sessions, which occupy more than ten (10) minutes per hour of instruction
3. A copy of the course brochure or course outline.

Forms

- [Application for sponsor approval](#)

COURSE ACCREDITATION FOR LEGAL EDUCATION

Continuing Legal Education

[Admission and Discipline Rule 29](#) outlines accreditation policies for mandatory continuing legal education in Indiana.

Approved sponsors enjoy a presumption of course approval as long as the course meets the criteria outlined in [Admission and Discipline Rule 29](#) under Mandatory Continuing Legal Education Guidelines, Section 3(a). If the course does not meet the criteria, it will be denied credit. The Commission requires approved sponsors to send a brochure at least thirty (30) days before a program is presented.

Non-approved sponsors must complete an application for course accreditation at least thirty (30) days before the first date on which the course is to be offered. Courses offered by non-approved sponsors must also meet the criteria outlined in [Admission and Discipline Rule 29](#) under Mandatory Continuing Legal Education Guidelines, Section 3(a).

Course Accreditation and Attendance Reporting Fees

To be considered timely, your completed application must be received at least **30 days prior** to the course.

To be considered timely, the certification of attendance of all Indiana attorneys who attended must be received no later than **30 days after** the course.

	Application		Attendance	
	Timely	Late	Timely	Late
Approved sponsor	\$0	\$25	\$0	\$25
Non-approved sponsor (exempt)*	\$0	\$25	\$0	\$50 (\$25)**
Non-approved sponsor (non-exempt)	\$25	\$50	\$0	\$25

**Exempt means not-for-profit that does not charge a course registration fee.*

***If attendance is reported late for an already approved course, fee is reduced to \$25.*

Ethics Credit Policy

The ethics portion of a course shall be directed to the ethics of attorneys as opposed to the ethical or moral behavior of other professionals or of people in general. Such courses shall include instruction focusing on the [Rules of Professional Conduct](#) as they relate to law firm management, malpractice avoidance, attorney fees, legal ethics, and the duties of attorneys to the judicial system, the public, clients and other attorneys.

Although ethics can be integrated into the program (as opposed to a freestanding, single-issue program), it still must appear as a separate agenda item and must be at least thirty (30) minutes in duration to be given credit. Sponsors must separately certify attorney ethics credits on the sponsor's attendance reports.

Application Checklist

Before submitting an application for course accreditation to the Commission, please check the following:

1. Determine whether you wish to apply for a non-legal subject matter course, or for total or partial accreditation of a CLE course.

Non-Legal Subject Matter (“NLS”) Courses. NLS courses are those that enhance an attorney’s competence in his or her individual practice. NLS is unavailable for in-house and distance education programs. Attorneys can report a maximum of twelve hours toward the three-year 36-hour requirement using NLS courses. Complete the “Application for CLE Accreditation” and specify BLS credits in section 4.

Total Accreditation. Complete the “Application for Accreditation of Continuing Legal Education Activity.”

Partial Accreditation. An applicant must apply separately for accreditation of the legal portions of a seminar, where the substance of a seminar is not entirely legal. The Commission may deny accreditation for an entire program where separate application is not made and where a significant portion of the program is not continuing legal education. Complete the enclosed “Application for Accreditation of Continuing Legal Education Activity,” and identify those topics for which you request accreditation.

2. Form is complete: signed and properly verified.
3. The required course enclosures are provided.
4. CLE (or non-legal subject) minutes have been computed correctly:
 - a. Only time of actual instruction counts toward credit hours.
 - b. Credit is not given for introductory remarks, breaks, or business meetings.
 - c. If credit is requested for a dinner or luncheon speaker, minutes will be deducted for service of the meal.
5. Sponsors are encouraged to plan activities that are at least 60 minutes long.
6. In order to receive ethics accreditation, a topic must have ethics for attorneys as its main focus and must be at least 30 minutes long.
7. No credit is given for in-house activities (except for government attorneys).
8. No credit is given for self-study activities.
9. For Internet courses or computer skills courses, complete course materials must be submitted with the application form.

Forms

- [Application for CLE Accreditation](#)

COURSE ACCREDITATION FOR LEGAL EDUCATION

Applied Professionalism Courses

[Admission and Discipline Rule 29](#) outlines an attorney's education requirements. The Applied Professionalism Course is the six-hour course newly admitted Indiana attorneys must take during their first three-year education period. This course is designed to help attorneys close the gap between their formal education and the practice of law. Sponsors may design an applied professionalism program to suit the particular needs of newly admitted attorneys in that area.

There are limited grant funds available on a reimbursement basis to sponsors to encourage the provision of low cost or no cost applied professionalism courses to new admitted attorneys.

Standards for Applied Professionalism Course for Newly Admitted Attorneys

The Indiana Commission for Continuing Legal Education is required under Admission and Discipline Rule 29 to designate courses as appropriate for newly admitted lawyers. The Commission has determined that all newly admitted lawyers must take a Commission accredited six-hour applied professionalism course in their first three-year educational period. The Commission has adopted the following standards to ensure that these programs are of high quality.

I. GENERAL.

Participants must attend the program in its entirety, or they will not receive credit for the Applied Professionalism Course for Newly Admitted Lawyers.

Attorney Participants who are not newly admitted attorneys will receive six hours of ethics credits. .

An Indiana attorney who teaches this program, or any part, shall receive four ethics credits for every hour spent teaching. If assistant trainers are used, each assistant trainer shall receive two ethics credits for every hour spent assisting.

The program must be presented live. The Commission encourages the effective use of technology within the program.

Sponsors must provide a list of Indiana lawyers in attendance within thirty days of completion of the program. This list must include the attorney number and address of each attendee.

II. QUALIFICATIONS FOR SPEAKERS AND ASSISTANTS.

Speakers and assistants should have appropriate experience in the subject matter. If a speaker is an attorney, he or she must be in good standing in some state and must not have been disqualified from the practice of law in any state. If the attorney is retired or inactive in another state, the license must not have been relinquished in exchange for dismissal of disciplinary charges.

At least one speaker must be an Indiana attorney approved by the Commission for the purpose of presenting the Rules of Professional Responsibility in Indiana.

III. TRAINING METHODOLOGY.

A variety of teaching techniques shall be employed including but not limited to: lecture, group discussion, written exercises, simulations, role plays and readings.

IV. CURRICULUM, IN GENERAL.

Sponsors must submit: a completed "APPLICATION FOR ACCREDITATION OF SIX--HOUR APPLIED PROFESSIONALISM COURSE FOR NEWLY ADMITTED LAWYERS," complete program agenda (including time breakdowns for each topic); bibliography of recommended reading; summary of materials to be used in the training; and speaker or presenter biographies.

V. SUGGESTED CURRICULUM.

A. Topics to be addressed shall include: Attorney relationships with third parties, trust accounts, IOLTA, Attorney-Client Relationships, Professionalism/Civility, and awareness and treatment of impairments through the Indiana Judges and Lawyers Assistance Program.

B. Additional topics concerning or emphasizing ethics, civility and/or professionalism may be included.

VI. REACCREDITATION.

Any mandatory six-hour professionalism program for newly admitted lawyers is certified for a period of two years from the date of approval. However, the sponsor or applicant must submit a listing of scheduled courses at least 45 days before each course, giving the date, time and place of the course. Any material change in the course (such as a change in the main presenter or curriculum) requires a new application to the Commission.

Forms

- [Application for Commission Accreditation of Mandatory Six-Hour Professionalism Course for Newly Admitted Attorneys](#)

Grants

The Indiana Commission for CLE has made funds available to continuing legal education providers to present Applied Professionalism Courses for newly admitted attorneys. The intent of the Court in awarding these grants is to promote and enhance low or no-cost, quality continuing legal education for Indiana newly licensed attorneys pursuant to Admission and Discipline Rule 29, section 3(b).

The Grant Application Packet below includes: Contract for the Receipt and Use of Grant Funds, an Application for Grant, Commission Standards for Six-Hour Applied Professionalism Course (APC), and an Application for Commission Accreditation of Six Hour Applied Professionalism Course. Please note that in order to receive credit for the APC, attendees must attend the entire six-hour program.

- [Grant Application Packet](#)

COURSE ACCREDITATION FOR MEDIATOR EDUCATION

Mediator Education Generally

The [Rules for Alternative Dispute Resolution](#) outline training and education requirements for mediators.

Basic Mediation Education Reporting Requirements

Within thirty (30) days of presenting a Commission approved basic or continuing mediation education training course, the sponsor of that course must forward a list of attendees to the Commission.

This list shall include for each attendee:

- full name
- attorney number (if applicable)
- residence and business addresses and phone numbers, and
- the number of mediation hours attended

A course approved for CME may also qualify for CLE credit, so long as the course meets the requirements of [Admission and Discipline Rule 29](#). For courses approved for both continuing legal education and continuing mediation education, the sponsor must additionally report continuing legal education, speaking and professional responsibility hours attended.

Mediation Trainer and Mediation Expert

For applications for the Mediation Trainer and Mediation Expert designation, see the [Mediator Education & Registration](#) page on the Commission website. These forms should be submitted with your course accreditation application.

Course Accreditation and Attendance Reporting Fees

To be considered timely, your completed application must be received at least **30 days prior** to the course.

To be considered timely, the certification of attendance of all Indiana mediators who attended must be received no later than **30 days after** the course.

	Application		Attendance	
	Timely	Late	Timely	Late
Mediation education sponsor	\$0	\$25	\$0	\$25

Basic 40-Hour Domestic Relations Mediation Training Program

Standards

The Indiana Commission for Continuing Legal Education is required under the Indiana Alternative Dispute Resolution Rules to certify training programs for mediators. The Commission has adopted the following standards to ensure that training programs are high quality and are uniformly treated.

The Indiana Commission for Continuing Legal Education is required under the Indiana Alternative Dispute Resolution Rules to certify training programs for mediators. The Commission has adopted the following standards to ensure that training programs are high quality and are uniformly treated.

I. GENERAL

The primary trainer shall deliver all the mediation skills portions of the training. Training assistants may be used to critique role plays, to moderate small group discussions, and to participate in role play simulations.

Experts shall be used to teach: (1) "Psychological Issues in Domestic Relations Litigation and Mediation;" (2) "Communications Skills and Knowledge" and "Interpersonal Dynamics;" and (3) "Issues Concerning Needs of Families over Time." Additional experts may be used to teach specialized areas, once they are approved by the Commission for this purpose.

Participants must attend each session in its entirety, or they will not receive a training certificate or be listed on the Indiana Commission for Continuing Legal Education Registry of Approved Domestic Relations Court Mediators.

A basic domestic relations training course must last a minimum of forty (40) hours.

Basic domestic relations training courses are awarded twenty-four (24) hours of continuing legal education credit and six (6) hours of professional responsibility credit.

An Indiana attorney who teaches the Indiana law component or ethics component shall receive CLE or ethics credit at a 4:1 ratio. Assistant trainers will receive CLE credit at a 2:1 ratio. Primary trainers may receive CLE credit at a ratio of 2:1 or twenty-four (24) hours, whichever is less.

At the discretion of the primary trainer, some topics may be combined and taught using alternate methods. Although some topics must still be taught through role play, role play facts and law can be applied in such a way as to fulfill other curriculum requirements.

Trainers must submit a list of all attendees to the Commission within thirty (30) days of the final day of training.

II. TRAINER AND EXPERT QUALIFICATIONS

A. Primary Trainer

1. The primary trainer must be a mediator in good standing and an attorney in good standing in some state.
 - a. The primary trainer shall not have been disqualified from mediation or the practice of law in any state.
 - b. If the primary trainer is not an attorney in Indiana, an Indiana attorney must be approved by the Commission for the purpose of teaching Indiana Alternative Dispute Resolution Rules and Indiana case law on mediation.
2. The primary trainer must have taken a basic mediation course recognized by a state as approved for training court-sanctioned mediation.
3. For initial or first-time approval the primary trainer must have mediated fifty (50) pending court cases or pre-suit cases, and mediated or supervised twenty-five (25) pending court cases or pre-suit cases within the year preceding the application for certification. On an ongoing basis, the primary trainer should engage regularly and currently in the practice or teaching of mediation.

B. Assistant Trainers

1. Assistant trainers must be mediators in good standing in some state. Assistant trainers shall not have been disqualified from mediation or from the practice of law in any state.
2. Assistant trainers must have taken a basic mediation course recognized by a state as approved for training court-sanctioned mediation.
3. For initial or first-time approval, assistant trainers must have mediated twenty-five (25) pending court cases or pre-suit cases, and mediated or supervised ten (10) pending court cases or pre-suit cases within the year preceding the application for certification. On an ongoing basis, assistant trainers should engage regularly and currently in the practice or teaching of mediation.

C. Experts

1. Experts shall be used to teach: "Psychological Issues in Domestic Relations Litigation and Mediation" and "Communications Skills and Knowledge", "Interpersonal Dynamics" and "Issues Concerning Needs of Families over Time."

At a minimum the Commission considers the following to determine whether an individual is an expert qualified to teach these issues:

- a. Classes taught in the behavioral, social science, communications, or mediation fields:
- b. Degree programs (classes taken in pursuit of a degree in the behavioral, social science or communications fields);
- c. Experience in the behavioral, social science or communications field (i.e. as a therapist or practitioner); and
- d. Research and writing in the behavioral, social science or communications fields.

2. The Commission must also approve the use of any other experts.

At a minimum the Commission considers the following to determine whether an individual is an expert qualified to teach these issues:

- a. Classes taught by the individual dealing with the topic;
- b. Degree programs;
- c. Experience in the field in question; and,
- d. Research and writing in the field in question

III. TRAINING METHODOLOGY

A variety of teaching techniques shall be employed including: lecture, group discussion, written exercises, mediation simulations, role plays and reading. Some topics may be taught primarily or entirely through simulations and/or role plays rather than or in addition to other methods. At a minimum, every participant must take part in at least one complete role play as the mediator and one complete role play as the party. A trainee must perform each of these role plays under the observation of a primary trainer or training assistant.

The primary trainer or training assistant may view no more than two role plays simultaneously.

IV. CURRICULUM, IN GENERAL

Trainers must submit: a completed "Domestic Relations Mediation Training Program Application for Supreme Court Certification;" program agenda (including time breakdowns for each topic); bibliography of recommended reading; summary of materials to be used in the training; speaker, expert and trainer biographies; completed "Mediation Trainer Application" forms; and completed "Mediation Expert Application" forms.

Required reading for the course shall include the Indiana Alternative Dispute Resolution Rules, Indiana Family Law Title 31, Indiana Child Support Rules and Guidelines, and the Indiana Parenting Time Guidelines. Readings do not count toward the forty (40) hours of training required. They should be assigned and completed prior to the training or at times when the training program is not being conducted. Trainers are encouraged to ensure the readings are completed.

V. CURRICULUM, MINIMUM REQUIRED TOPICS

The following items must be addressed for the minimum time specified. Items A, B, C and D must be taught by an Indiana attorney in good standing.

- A. Indiana Rules on ADR** (minimum two (2) hours) ADR Rules 1-8.
- B. Mediation Case Law Update**, with an emphasis on ethics issues (minimum two (2) hours)
Note: case law update should deal with the existing and emerging body of mediation law in these areas, not only in Indiana.

Topics at a minimum should include the following:

1. Conflicts of interest
2. Confidentiality and its limits

3. Facilitating fair, reasonable and voluntary agreements
4. Promotion of mutual respect to the participants in the mediation session including power balancing and control and decorum
5. Maintaining impartiality and neutrality
6. Dealing ethically with claims or evidence of domestic violence, substance abuse and child abuse
7. Standards recommended by national associations
8. Role of mediators as officers of the court
9. Addressing cultural differences when mediating
10. Mediator malpractice concerns
11. Disciplinary procedures
12. Difference between court ordered and voluntary mediation
13. Relevant court rules, local procedures and forms
14. Required disclosures to mediation participants
15. Distinguishing between legal information or education, and legal advice
16. Special considerations when dealing with self-represented mediation parties, including drafting documents
17. Interest of third parties, especially the children
18. Whether and how to involve children in the mediation process

C. Indiana Family Case Law (Minimum four (4) hours)
(reviewing statutes, rules, guidelines and key case law)

Topics at a minimum should include the following:

1. Property distribution (including a brief overview of tax consequences of certain distributions and when to refer issues to an accountant or tax lawyer)
2. Child support and related issues, e.g. health insurance, payment of medical expenses, and income withholding orders (including applicable guidelines, worksheets, and forms)
3. Custody and parenting time (including applicable guidelines) for parents, (considering applicable standards) and "children's best interests" from the legal perspective
4. Third-party custody and guardianship
5. Grandparent and other third-party visitation

6. Distinguishing features and differences in dissolution of marriage, paternity, guardianship, abuse and neglect (CHINS), termination of parental rights, and adoption cases as these relate to mediation practice
7. Tax exemptions, state and federal
8. Bankruptcy considerations and referral to bankruptcy attorneys in the mediation context
9. Legal context of mediation
10. Durability/flexibility of mediated agreements
11. Mechanics of interpreting/enforcing mediated agreements

D. Lawyers in Mediation (minimum one (1) hour)

Topics at a minimum should include the following and must be taught by an expert:

1. Role of litigants' lawyers in the mediation process
2. Attorney/client relationships
3. Establishing credibility with lawyers
4. Attorney fee issues
5. Dealing with legal issues
6. Private sessions with lawyers
7. Attorney malpractice concerns
8. Discovery issues

E. Psychological Issues in Domestic Relations Litigation and Mediation (minimum four (4) hours)

Topics at a minimum should include the following and must be taught by an expert:

1. Family relationships and how they are impacted by separation and divorce
2. Domestic violence, also known as intimate partner violence and abuse
3. Child abuse or neglect
4. Substance abuse
5. Relationship of financial and custody issues
6. Psychologically dysfunctional disputants
7. Use of mental health experts and resources
8. Identification of other psychological issues and referral sources

F. Interpersonal Dynamics in Communications (minimum two (2) hours):

1. Common issues surrounding relationship of litigants
2. Forming relationships and building rapport
3. Establishing trust
4. Setting a cooperative tone
5. Empathetic listening and questioning
6. Using self as a barometer for understanding party reactions
7. Staying non-judgmental

G. Issues Concerning Needs of Families over Time (minimum four (4) hours)

Topics at a minimum should include the following and must be taught by an expert:

1. Differing perspectives of parents and children, and how these perspectives may change over time
2. Impact of legal processes and children's attitudes/behavior
3. Co-parenting and shared parental responsibility
4. Parenting agreements from the mental health professional's point of view
5. How different parties' needs change over time and how to anticipate and manage these changes
6. How needs in the initial separation differ from needs in a modification of an order or agreement
7. "Best interests of the child" from the social science perspective
8. Community resources and experts for family needs
 - a. Referral processes
 - b. When to refer/for what purpose
 - c. Most common types of referrals

H. Special Considerations when Mediating Cases with Domestic Violence (minimum four (4) hours)

Topics at a minimum should include the following and except for (6), at the Primary Trainers discretion may be taught by an expert who teaches Psychological Issues in Domestic Relations Litigation and Mediation.

1. Characteristics, dynamics, and risks in differing types of domestic violence
2. How domestic violence may affect the parties' ability to communicate, present information and make decisions (e.g., the effect that fear may have on a victim)
3. How to conduct effective screening for domestic violence

4. How to use the results of screening to determine whether or not mediation is appropriate when there has been domestic violence
5. How to provide accommodations in mediation that take into account the victim's safety and ability to make voluntary, non-coerced decisions when:
 - a. there has been domestic violence
 - b. all parties nevertheless wish to mediate, and
 - c. the mediator believes it is appropriate to conduct the mediation
6. Whether and how to mediate when there is a protective order or no contact order between the parties to a mediation (must be taught by an attorney)
7. The role of a support person, if any, in mediation

I. Communications Skills and Knowledge

Topics at a minimum should include the following and must be taught by an expert or by the primary trainer:

1. Listening
2. Responding
3. Guiding
4. Paraphrasing
5. Confronting
6. Reframing
7. Attending to non-verbal communication
8. Identifying areas of consensus and disagreement
9. Questioning
10. Clarifying
11. Using clear, neutral language
12. Balancing communication
13. Modeling constructive behavior

The remaining hours shall be devoted to:

J. Introduction to Conflict Resolution Theory

1. Conciliation, mediation, arbitration-definitions and distinctions
2. Negotiation theory
3. The effect of mediation at various stages of litigation, including pre-suit

4. Mediation process
5. Review of mediation effectiveness

K. Information Gathering Skills and Knowledge

This area must include a structured role play. The exercise should highlight:

1. Questioning
2. Setting the agenda and prioritizing areas
3. Identifying issues
4. Exploring parties' background interests and concerns

L. Problem-Solving Skills and Knowledge

This area must include a structured role play. The exercise should highlight:

1. Identifying and analyzing problems and needs
2. Collecting data
3. Prioritizing issues
4. Framing issues
5. Narrowing issues
6. Converting positions into needs and interests
7. Educating parties
8. Identifying areas of agreement
9. Identifying principles and criteria to assist in decision-making
10. Designing temporary plans
11. Developing options and brainstorming
12. Evaluating options and consequences
13. Testing reality
14. Developing an implementation plan
15. Assisting parties to identify alternatives to a mediated agreement

M. Ethical Decision-Making and Values Skills and Knowledge

1. Understanding mediation standards of ethical practice

2. Being sensitive to parties' values, including culture
3. Remaining non-judgmental
4. Establishing a commitment to honest disclosure
5. Maintaining dignified behavior
6. Being respectful of the parties
7. Not imposing personal and professional values
8. Establishing and maintaining a right to self-determination by the parties
9. Honoring the uniqueness of parties
10. Ensuring individual responsibility of parties for themselves
11. Establishing the importance of each individuals participation
12. Ensuring voluntary agreements and participation
13. Empowering parties
14. Dealing with commonly encountered ethical dilemmas

N. Interaction and Conflict Management

This area must include a structured role play. The exercise should highlight:

1. Using ground rules
2. Reducing tensions
3. Balancing power
4. Refocusing
5. Confronting
6. Strategizing/orchestrating
7. Caucusing
8. Managing impasse
9. Empowering parties
10. Distracting/redirecting
11. Dealing with strong emotions
12. Maintaining control of the process
13. Managing the influence of non-parties

O. Professional Skills and Knowledge

1. Case management
2. Community and legal resources
3. Drafting memoranda and agreements
4. Effective use of outside experts
5. Obtaining, recording and monitoring factual information
6. Dealing with complex factual materials
7. When and how to refer issues to other forms of alternative dispute resolution
8. Referral criteria (e.g. to accountants, appraisers, etc.)

VI. RECERTIFICATION

Any mediation training program, certified by the Indiana Commission for Continuing Leal Education as meeting these standards, is certified for a period of five (5) years from the date of approval. However, the trainer must submit a listing of scheduled courses at least forty-five (45) days before each course, giving the date, time and place of the course. Any material change in the course (such as a change in a primary trainer, expert or the curriculum) requires a new application to the Commission.

VII. DECERTIFICATION

The Commission has the right to audit certified programs. Such an audit may include, but is not limited to: attendance of any part of the course; examination of evaluation forms; examination of curriculum and written materials; and, interviewing participants. Programs which are determined to no longer comply with these standards will be decertified.

Forms

- [Application for Certification of 40-Hour Domestic Relations Mediation Training Program](#)

COURSE ACCREDITATION FOR MEDIATOR EDUCATION

Basic 40-Hour Civil Mediation Training Program

Standards

The Indiana Commission for Continuing Legal Education is required under the Indiana Alternative Dispute Resolution Rules to certify training programs for mediators. The Commission has adopted the following standards to ensure that training programs are high quality and are uniformly treated.

I. GENERAL

The primary trainer shall deliver all the mediation skills portions of the training.

Training assistants may be used to critique role plays, to moderate small group discussions, and to participate in role play simulations.

Experts shall be used for lectures on "Communications Skills and Knowledge" and "Interpersonal Dynamics". Additional experts may be used to teach specialized areas, once they are approved by the Commission for this purpose.

Participants must attend each session in its entirety, or they will not receive a training certificate or be listed on the Indiana Commission for Continuing Legal Education Registry of Approved Civil Court Mediators.

A basic civil training course must last a minimum of 40 hours.

Basic civil training courses are awarded 24 hours of continuing legal education credit and 6 hours of professional responsibility credit.

An Indiana attorney who teaches the Indiana law component or ethics component shall receive CLE or ethics credit at a 4:1 ratio. Assistant trainers will receive CLE credit at a 2:1 ratio. Primary trainers may receive CLE credit at a 2:1 ratio or 24 hours, whichever is less.

Trainers must submit a list of all attendees to the Commission within thirty days of the final day of training.

II. TRAINER AND EXPERT QUALIFICATIONS

A. Primary Trainer

1. The primary trainer must be a mediator in good standing and an attorney in good standing in some state.
 - a. The primary trainer shall not have been disqualified from mediation or the practice of law in any state.
 - b. If the primary trainer is not an attorney in Indiana, an Indiana attorney must be approved by the Commission for the purpose of teaching Indiana Alternative Dispute Resolution Rules and Indiana case law on mediation.
2. The primary trainer must have taken a basic mediation course recognized by a state as approved for training court-sanctioned mediation.
3. The primary trainer must have mediated 50 court sanctioned cases, 25 within the last year.

B. Assistant Trainers

1. Assistant trainers must be mediators in good standing and attorneys in good standing in some state. Assistant trainers shall not have been disqualified from mediation or from the practice of law in any state.
2. Assistant trainers must have taken a basic mediation course recognized by a state as approved for training court-sanctioned mediation.
3. Assistant trainers must have mediated 25 court-sanctioned cases, 10 within the last year.

C. Experts

1. An expert shall be used to teach "Communications Skills and Knowledge" and "Interpersonal Dynamics".
 - a. At a minimum, the Commission considers the following to determine whether an individual is an expert qualified to lecture on these issues:
 1. Classes taught in the behavioral, social science or communications fields;
 2. Degree programs (classes taken in pursuit of a degree in the behavioral, social science or communications fields);
 3. Experience in the behavioral, social science or communications fields (i.e. as a therapist or practitioner), and
 4. Research and writing in the behavioral, social science or communications fields.
2. The Commission must also approve the use of any other experts.
 - a. At a minimum, the Commission considers the following to determine whether an individual is an expert qualified to lecture on specialized topics:
 1. Classes taught by the individual dealing with the topic;
 2. Degree programs;
 3. Experience in the field in question; and,
 4. Research and writing in the field in question.

III. TRAINING METHODOLOGY

A variety of teaching techniques shall be employed including: lecture, group discussion, written exercises, mediation simulations, role plays and readings. At a minimum, every participant must take part in at least one complete role play as the mediator and one complete role play as the party. A trainee must perform each of these role plays under the observation of a primary trainer or training assistant.

The primary trainer or training assistant may view no more than two role plays simultaneously.

IV. CURRICULUM, IN GENERAL

Trainers must submit: a completed "Civil Mediation Training Program Application for Supreme Court Certification;" program agenda (including time breakdowns for each topic); bibliography of recommended reading; summary of materials to be used in the training; speaker, expert and trainer biographies; completed "Mediation Trainer Application" forms; and completed "Mediation Expert Application" forms.

Required reading for the course shall include the Indiana Alternative Dispute Resolution Rules. Readings do not count towards the forty hours of training required. They should be assigned and completed prior to the training or at times when the training program is not being conducted. Trainers are encouraged to ensure the readings are completed.

V. CURRICULUM, MINIMUM REQUIRED SUBJECTS

A. The following topics must be addressed for the minimum time specified for each subject. Topics 1 and 2 must be taught by an Indiana attorney in good standing. The green "Mediation Expert Application for Supreme Court Certification" completed by this attorney must accompany the completed application for course certification.

1. Indiana Rule on ADR - (minimum 1 hour)

ADR Rule 1-6 and case law update.

Note: case law update should deal with the existing and emerging body of mediation law in these areas, not only in Indiana.

2. Indiana Rule 7 and case law update: (minimum 2 hours)

Note: case law update should deal with the existing and emerging body of mediation law in these areas, not only in Indiana.

Topics at a minimum must include:

- a. Conflicts of interest
- b. Confidentiality and exclusions
- c. Facilitating fair, reasonable & voluntary agreements
- d. Promotion of mutual respect of the participants in the mediation session and including power balancing and control and decorum
- e. Maintaining impartiality
- f. Ethical issues, including those relating to multiple parties
- g. Standards recommended by national associations
- h. Liability
- i. Role of mediators as officers of the court
- j. Addressing cultural differences between the parties
- k. Malpractice concerns
- l. Disciplinary procedures

B. The following topics shall be taught by the primary trainer, or an attorney who otherwise meets the criteria of II(C)(2).

1. Lawyers and Mediation (minimum 3 hours)

- a. Role of litigants' lawyers in mediation process
- b. Attorney/client relationships
- c. Establishing credibility with lawyers
- d. Attorney fees issues
- e. Dealing with legal issues
- f. Private sessions with lawyers
- g. Malpractice concerns

- h. Discovery issues
 - i. Difference between court ordered and voluntary mediation
 - j. Local mediation procedures and forms
 - k. Trial court rules and procedures
 - l. Referral criteria - e.g. to accountants, appraisers, etc.
2. Dynamics of Mediation (minimum 3 hours)
- a. Dealing with institutional litigants
 - b. Complexity of litigation
 - c. Third party interests
 - d. Dealing with insurance
 - e. Carrier assessments/roles
 - f. Context/environment in which the case is proceeding to mediation

C. Interpersonal Dynamics in Communications (C1 and C2 may be taught in the same unit, and jointly must account for a minimum of 2 hours of the course):

1. Relationship Skills and Knowledge (Must be taught by an expert)
- a. Common issues surrounding relationship of litigants
 - b. Forming relationships and building rapport
 - c. Use of outside experts
 - d. Establishing trust
 - e. Setting a cooperative tone
 - f. Establishing neutrality and impartiality
 - g. Empathetic listening and questioning
 - h. Empowering parties
 - i. Using self as a barometer for understanding party reactions
 - j. Staying non-judgmental
 - k. Psychologically dysfunctional disputants
2. Communication Skills and Knowledge. (Must be taught by an expert)
- a. Listening
 - b. Responding
 - c. Guiding
 - d. Paraphrasing
 - e. Confronting
 - f. Reframing
 - g. Attending to non-verbal communication
 - h. Identifying areas of consensus and disagreement
 - i. Questioning
 - j. Clarifying
 - k. Using clear, neutral language
 - l. Balancing communication
 - m. Modeling constructive behavior

D. The remaining hours shall be devoted to.

1. Introduction to Conflict Resolution Theory.
 - a. Conciliation, mediation, arbitration-definitions and distinctions
 - b. Negotiation theory
 - c. The effect of mediation at various stages of litigation, including pre-suit
 - d. Mediation process
 - e. Review of mediation effectiveness
2. Information Gathering Skills and Knowledge. This area must include a structured role play. The exercise must highlight:
 - a. Questioning
 - b. Setting the agenda and prioritizing areas
 - c. Identifying issues
 - d. Screening issues
 - e. Exploring parties' background interests and concerns
3. Problem-Solving Skills and Knowledge. This area must include a structured role play. This exercise must highlight:
 - a. Identifying and analyzing problems and needs
 - b. Collecting data
 - c. Prioritizing issues
 - d. Framing issues
 - e. Narrowing issues
 - f. Converting positions into needs and interests
 - g. Educating parties
 - h. Identifying areas of agreement
 - i. Identifying principles and criteria to assist decision-making
 - j. Designing temporary plans
 - k. Developing options and brainstorming
 - l. Evaluating options and consequences
 - m. Testing reality
 - n. Developing an implementation plan
 - o. Assisting parties to identify alternatives to a mediated agreements.
4. Ethical Decision-Making and Values Skills and Knowledge
 - a. Understanding mediation standards of ethical practice
 - b. Being sensitive to parties' values, including culture
 - c. Being non-judgmental
 - d. Establishing a commitment to honest disclosure
 - e. Maintaining dignified behavior
 - f. Being respectful of the parties
 - g. Not imposing personal and professional values
 - h. Establishing and maintaining a right to self-determination by the parties
 - i. Honoring the uniqueness of parties

- j. Ensuring individual responsibility of parties for themselves
 - k. Establishing the importance of each individual's participation
 - l. Ensuring voluntary agreements and participation
 - m. Recognizing responsibilities to non-present parties
 - n. Dealing with commonly encountered ethical dilemmas
5. Interaction and Conflict Management Skills and Knowledge (this area must include a structured role play)
- a. Using ground rules
 - b. Reducing tensions
 - c. Balancing power
 - d. Refocusing
 - e. Confronting
 - f. Strategizing/orchestrating
 - g. Caucusing
 - h. Managing impasse
 - i. Empowering parties
 - j. Distracting/redirecting
 - k. Dealing with strong emotions
 - l. Maintaining control of the process
 - m. Managing the influence of outside parties
6. Professional Skills and Knowledge
- a. Case management
 - b. Community and legal resources
 - c. Drafting memoranda and agreements
 - d. Effective use of outside experts
 - e. Obtaining, recording and monitoring factual information
 - f. Dealing with complex factual materials
 - g. When and how to refer issues to other forms of alternative dispute resolution

VI. RECERTIFICATION

Any mediation training program, certified by the Indiana Commission for Continuing Legal Education as meeting these standards, is certified for a period of 5 years from the date of approval. However, the trainer must submit a listing of scheduled courses at least 45 days before each course, giving the date, time and place of the course. Any material change in the course (such as a change in a primary trainer, expert or the curriculum) requires a new application to the Commission.

VII. DECERTIFICATION

The Commission has the right to audit certified programs. Such an audit may include, but is not limited to: attendance of any part of the course; examination of evaluation forms; examination of curriculum and written materials; and, interviewing participants. Programs which are determined to no longer comply with these standards will be decertified.

Forms

- [Application for Certification of 40-Hour Civil Mediation Training Program](#)

Civil Crossover from Domestic Relations Mediation Training Program

Standards

The Indiana Commission for Continuing Legal Education is required under the Indiana Alternative Dispute Resolution Rules to certify training programs for mediators. The Commission has adopted the following standards to ensure that training programs are high quality and are uniformly treated.

I. GENERAL

The primary trainer shall deliver all the mediation skills portions of the training.

Training assistants may be used to critique role plays, to moderate small group discussions, and to participate in role play simulations.

Experts shall be used for lectures on "Communications Skills and Knowledge" and "Interpersonal Dynamics". Additional experts may be used to teach specialized areas, once they are approved by the Commission for this purpose.

Participants must attend each session in its entirety, or they will not receive a training certificate or be listed on the Indiana Commission for Continuing Legal Education Registry of Approved Civil Court Mediators.

A domestic relations trained mediator may become a a registered civil mediator through crossover training only if the crossover training is taken by December 31 of the second full year after taking a Commission approved 40-hour basic domestic relations course.

Trainers must submit a list of all attendees to the Commission within thirty days of the final day of training.

II. TRAINER AND EXPERT QUALIFICATIONS

A. Primary Trainer.

1. The primary trainer must be a mediator in good standing and an attorney in good standing in some state.
 - a. The primary trainer shall not have been disqualified from mediation or the practice of law in any state.
 - b. If the primary trainer is not an attorney in Indiana, an Indiana attorney must be approved by the Commission for the purpose of teaching Indiana Alternative Dispute Resolution Rules and Indiana case law on mediation.
2. The primary trainer must have taken a basic mediation course recognized by a state as approved for training court-sanctioned mediation.
3. The primary trainer must have mediated 50 court sanctioned cases, 25 within the last year.

B. Assistant Trainers.

1. Assistant trainers must be mediators in good standing and attorneys in good standing in some state. Assistant trainers shall not have been disqualified from mediation or from the practice of law in any state.

2. Assistant trainers must have taken a basic mediation course recognized by a state as approved for training court-sanctioned mediation.
3. Assistant trainers must have mediated 25 court-sanctioned cases, 10 within the last year.

C. Experts.

1. An expert shall be used to teach: "Communications Skills and Knowledge" and "Interpersonal Dynamics" portions of the course.
 - a. At a minimum, the Commission considers the following to determine whether an individual is an expert qualified to lecture on these issues:
 1. Classes taught in the behavioral, social science or communications fields;
 2. Degree programs (classes taken in pursuit of a degree in the behavioral, social science or communications fields);
 3. Experience in the behavioral, social science or communications fields (i.e. as a therapist or practitioner), and
 4. Research and writing in the behavioral, social science or communications fields.
2. The Commission must also approve the use of any other experts.
 - a. At a minimum, the Commission considers the following to determine whether an individual is an expert qualified to lecture on specialized topics:
 1. Classes taught by the individual dealing with the topic;
 2. Degree programs;
 3. Experience in the field in question; and,
 4. Research and writing in the field in question.

III. TRAINING METHODOLOGY

A variety of teaching techniques shall be employed including: lecture, group discussion, written exercises, mediation simulations, role plays and readings. At a minimum, every participant must take part in at least one complete role play as the mediator and one complete role play as the party. A trainee must perform each of these role play under the observation of a primary trainer or training assistant.

The primary trainer or training assistant may view no more than two role plays simultaneously.

IV. CURRICULUM, IN GENERAL

Trainers must submit: a completed "Civil Crossover from Domestic Relations Mediation Training Program Application for Supreme Court Certification;" program agenda (including time breakdowns for each topic); bibliography of recommended reading; summary of materials to be used in the training; speaker, expert and trainer biographies; completed "Mediation Trainer Application" forms; and completed "Mediation Expert Application" forms.

Required reading for the course shall include the Indiana Alternative Dispute Resolution Rules. Readings do not count towards the sixteen hours of training required. They should be assigned and completed prior to the training or at times when the training program is not being conducted. Trainers are encouraged to ensure the readings are completed.

V. CURRICULUM, MINIMUM REQUIRED SUBJECTS

A. The following core topics (which are required to be taught in both the 40-hour basic civil and the 40-hour domestic relations mediations training courses) are to be reviewed as follows:

1. Indiana Rule on ADR - (1 hour)
ADR Rule 1-6 and case law update.
Note: case law update should deal with the existing and emerging body of mediation law in these areas, not only in Indiana.
2. Indiana Rule 7 and case law update: (1 hour)
Note: case law update should deal with the existing and emerging body of mediation law in these areas, not only in Indiana.

Topics at a minimum must include:

- a. Conflicts of interest
- b. Confidentiality and exclusions
- c. Facilitating fair, reasonable & voluntary agreements
- d. Promotion of mutual respect of the participants in the mediation session including power balancing and control and decorum
- e. Maintaining impartiality
- f. Ethical issues, including those relating to multiple parties
- g. Standards recommended by national associations
- h. Liability
Role of mediators as officers of the court
- i. Addressing cultural differences between the parties
- j. Malpractice concerns
- k. Disciplinary procedures

B. The following topics shall be taught by the primary trainer, or an attorney who otherwise meets the criteria of II(C)(2).

1. Lawyers and Mediation (minimum 3 hours)
 - a. Role of litigants' lawyers in mediation process
 - b. Attorney/client relationships
 - c. Establishing credibility with lawyers
 - d. Attorney fees issues
 - e. Dealing with legal issues
 - f. Private sessions with lawyers
 - g. Malpractice concerns
 - h. Discovery issues
 - i. Difference between court ordered and voluntary mediation
 - j. Local mediation procedures and forms
 - k. Trial court rules and procedures
 - l. Referral criteria - e.g. to accountants, appraisers, etc.

2. Dynamics of Mediation (minimum 3 hours)

- a. Dealing with institutional litigants
- b. Complexity of litigation
- c. Third party interests
- d. Dealing with insurance
- e. Carrier assessments/roles
- f. Context/environment in which the case is proceeding to mediation

C. C. Although the following topics may be repetitive of the 40-hour basic domestic relations mediation training course, they must be addressed as they apply to the civil arena. (C1 and C2 may be taught in the same unit, and jointly must account for a minimum of 2 hours of the course.)

Interpersonal Dynamics in Communications

1. Relationship Skills and Knowledge (Must be taught by an expert)

- a. Common issues surrounding relationship of litigants.
- b. Forming relationships and building rapport
- c. Use of outside experts
- d. Establishing trust
- e. Setting a cooperative tone
- f. Establishing neutrality and impartiality
- g. Empathetic listening and questioning
- h. Empowering parties
- i. Using self as a barometer for understanding party reactions
- j. Staying non-judgmental
- k. Psychologically dysfunctional disputants

2. Communication Skills and Knowledge. (Must be taught by an expert)

- a. Listening
- b. Responding
- c. Guiding
- d. Paraphrasing
- e. Confronting
- f. Reframing
- g. Attending to non-verbal communication
- h. Identifying areas of consensus and disagreement
- i. Questioning
- j. Clarifying
- k. Using clear, neutral language
- l. Balancing communication
- m. Modeling constructive behavior

D. The remaining hours shall be devoted to.

1. Information Gathering Skills and Knowledge. This area must include a structured role play. The exercise must highlight:

- a. Questioning
 - b. Setting the agenda and prioritizing areas
 - c. Identifying issues
 - d. Screening issues
 - e. Exploring parties' background interests and concerns
2. Problem-Solving Skills and Knowledge. This area must include a structured role play. This exercise must highlight:
- a. Identifying and analyzing problems and needs
 - b. Collecting data
 - c. Prioritizing issues
 - d. Framing issues
 - e. Narrowing issues
 - f. Converting positions into needs and interests
 - g. Educating parties
 - h. Identifying areas of agreement
 - i. Identifying principles and criteria to assist decision-making
 - j. Designing temporary plans
 - k. Developing options and brainstorming
 - l. Evaluating options and consequences
 - m. Testing reality
 - n. Developing an implementation plan
 - o. Assisting parties to identify alternatives to a mediated agreement
3. Ethical Decision-Making and Values Skills and Knowledge
- a. Understanding mediation standards of ethical practice
 - b. Being sensitive to parties' values, including culture
 - c. Being non-judgmental
 - d. Establishing a commitment to honest disclosure
 - e. Maintaining dignified behavior
 - f. Being respectful of the parties
 - g. Not imposing personal and professional values
 - h. Establishing and maintaining a right to self-determination by the parties
 - i. Honoring the uniqueness of parties
 - j. Ensuring individual responsibility of parties for themselves
 - k. Establishing the importance of each individual's participation
 - l. Ensuring voluntary agreements and participation
 - m. Recognizing responsibilities to non-present parties
 - n. Dealing with commonly encountered ethical dilemmas
4. Interaction and Conflict Management Skills and Knowledge (this area must include a structured role play)
- a. Using ground rules
 - b. Reducing tensions
 - c. Balancing power

- d. Refocusing
 - e. Confronting
 - f. Strategizing/orchestrating
 - g. Caucusing
 - h. Managing impasse
 - i. Empowering parties
 - j. Distracting/redirecting
 - k. Dealing with strong emotions
 - l. Maintaining control of the process
 - m. Managing the influence of outside parties
5. Professional Skills and Knowledge
- a. Case management
 - b. Community and legal resources
 - c. Drafting memoranda and agreements
 - d. Effective use of outside experts
 - e. Obtaining, recording and monitoring factual information
 - f. Dealing with complex factual materials
 - g. When and how to refer issues to other forms of alternative dispute resolution

VI. RECERTIFICATION

Any mediation training program, certified by the Indiana Commission for Continuing Legal Education as meeting these standards, is certified for a period of 5 years from the date of approval. However, the trainer must submit a listing of scheduled courses at least 45 days before each course, giving the date, time and place of the course. Any material change in the course (such as a change in a primary trainer, expert or the curriculum) requires a new application to the Commission.

VII. DECERTIFICATION

The Commission has the right to audit certified programs. Such an audit may include, but is not limited to: attendance of any part of the course; examination of evaluation forms; examination of curriculum and written materials; and, interviewing participants. Programs which are determined to no longer comply with these standards will be decertified.

Forms

- [Application for Certification of Civil Crossover from Domestic Relations Mediation Training Program](#)

Domestic Crossover from Civil Mediation Training Program

Standards

The Indiana Commission for Continuing Legal Education is required under the Indiana Alternative Dispute Resolution Rules to certify training programs for mediators. The Commission has adopted the following standards to ensure that training programs are high quality and are uniformly treated.

I. GENERAL

The primary trainer shall deliver all the mediation skills portions of the training. Training assistants may be used to critique role plays, to moderate small group discussions, and to participate in role play simulations.

Experts shall be used to teach: (1) "Psychological Issues in Domestic Relations Litigation and Mediation;" (2) "Communications Skills and Knowledge" and "Interpersonal Dynamics;" and (3) "Issues Concerning Needs of Families Over Time." Additional experts may be used to teach specialized areas, once they are approved by the Commission for this purpose.

Participants must attend each session in its entirety, or they will not receive a training certificate or be listed on the Indiana Commission for Continuing Legal Education Registry of Approved Domestic Relations Court Mediators.

A civil trained mediator may become a registered domestic relations mediator through crossover training only if the crossover training is taken by December 31 of the second full year after taking a Commission approved 40-hour basic civil course if a waiver of this requirement is granted by the Commission. Such waiver will be based on the applicant showing he or she has been engaged in the field of mediation by researching, writing, teaching or mediating during the time between taking the 40-hour Basic Civil Course and the Domestic Relations Crossover Course. This waiver should be requested in writing thirty (30) days prior to the mediator taking the Domestic Relations Crossover Course.

Attorney participants will receive nine (9) hours of Continuing Legal Education (CLE) credit including three (3) hours of professional responsibility (ethics) credit. This course must be at least twenty-four (24) hours in duration. An Indiana attorney who teaches the Indiana law component or ethics component shall receive CLE or ethics credit at a 4:1 ratio. Assistant trainers will receive CLE credit at a 2:1 ratio. Primary trainers may receive CLE credit at a ratio of 2:1 or twenty-four (24) hours whichever is less.

Trainers must submit a list of all attendees to the Commission within thirty days of the final day of training.

II. TRAINER AND EXPERT QUALIFICATIONS

A. Primary Trainer

1. The primary trainer must be a mediator in good standing and an attorney in good standing in some state.
 - a. The primary trainer shall not have been disqualified from mediation or the practice of law in any state.
 - b. If the primary trainer is not an attorney in Indiana, an Indiana attorney must be approved by the Commission for the purpose of teaching Indiana Alternative Dispute Resolution Rules and Indiana case law on mediation.
2. The primary trainer must have taken a basic mediation course recognized by a state as approved for training court-sanctioned mediation.
3. For initial or first-time approval, the primary trainer must have mediated fifty (50) pending court cases or pre-suit cases, and mediated or supervised twenty- five (25) pending court cases or pre-suit cases within the year preceding the application for certification. On an ongoing basis, the primary trainer should engage regularly and currently in the practice or teaching of mediation.

B. Assistant Trainers

1. Assistant trainers must be mediators in good standing in some state. Assistant trainers shall not have been disqualified from mediation or from the practice of law in any state.
2. Assistant trainers must have taken a basic mediation course recognized by a state as approved for court-sanctioned mediation.
3. For initial or first-time approval, assistant trainers must have mediated twenty- five (25) pending court cases or pre-suit cases, and mediated or supervised ten (10) pending court cases or pre-suit cases within the year preceding the application for certification. On an on-going basis, assistant trainers should engage regularly and currently in the practice or teaching of mediation.

C. Experts

1. Experts shall be used to teach: "Psychological Issues in Domestic Relations Litigation and Mediation" and "Communications Skills and Knowledge", "Interpersonal Dynamics" and "Issues Concerning Needs of Families over Time."

At a minimum, the Commission considers the following to determine whether an individual is an expert qualified to teach these issues:

- a. Classes taught in the behavioral, social science, communications, or mediation fields;
- b. Degree programs (classes taken in pursuit of a degree in the behavioral, social science or communications fields);
- c. Experience in the behavioral, social science or communications field (i.e. as a therapist or practitioner); and

- d. Research and writing in the behavioral, social science or communications fields.
2. The Commission must also approve the use of any other experts.

At a minimum, the Commission considers the following to determine whether an individual is an expert qualified to teach these issues:

- a. Classes taught by the individual dealing with the topic;
- b. Degree programs;
- c. Experience in the field in question; and,
- d. Research and writing in the field in question

III. TRAINING METHODOLOGY

A variety of teaching techniques shall be employed including: lecture, group discussion, written exercises, mediation simulations, role plays and reading. Some topics may be taught primarily or entirely through simulations and/or role plays rather than or in addition to other methods. At a minimum, every participant must take part in at least one complete role play as the mediator and one complete role play as the party. A trainee must perform each of these role plays under the observation of a primary trainer or training assistant.

The primary trainer or training assistant may view no more than two role plays simultaneously.

IV. CURRICULUM, IN GENERAL

Trainers must submit: a completed "Domestic Relations Crossover from Civil Mediation Training Program Application for Supreme Court Certification;" program agenda (including time breakdowns for each topic); bibliography of recommended reading; summary of materials to be used in the training; speaker, expert and trainer biographies; completed "Mediation Trainer Application" forms; and completed "Mediation Expert Application" forms.

Required reading for the course shall include the Indiana Alternative Dispute Resolution Rules, Indiana Family Law Title 31, and Indiana Child Support Rules and Guidelines, and the Indiana Parenting Time Guidelines. Readings do not count towards the twenty four (24) hours of training required. They should be assigned and completed prior to the training or at times when the training program is not being conducted. Trainers are encouraged to ensure the readings are completed.

V. CURRICULUM, MINIMUM REQUIRED TOPICS

The following topics (which are required to be taught in both the 40-hour basic civil and the 40-hour domestic relations training courses) are to be reviewed as follows:

- A. Indiana Rules on ADR** (minimum one (1) hour) ADR Rules 1-8.
- B. Mediation Case Law Update**, with an emphasis on ethics issues (minimum one (1) hour) Note: Case law update should deal with the existing and emerging body of mediation law in these areas, not only in Indiana

Topics at a minimum should include the following:

1. Conflicts of interest
2. Confidentiality and its limits
3. Facilitating fair, reasonable and voluntary agreements
4. Promotion of mutual respect to the participants in the mediation session including power balancing and control and decorum
5. Maintaining impartiality and neutrality
6. Dealing ethically with claims or evidence of domestic violence, substance abuse and child abuse
7. Standards recommended by national associations
8. Role of mediator as officers of the court
9. Addressing cultural differences when mediating
10. Mediator malpractice concerns
11. Disciplinary procedures
12. Difference between court ordered and voluntary mediation
13. Relevant court rules, local procedures and forms
14. Required disclosures to mediation participants
15. Distinguishing between legal information or education, and legal advice
16. Special considerations when dealing with self-represented mediation parties, including drafting documents
17. Interests of third parties, especially the children
18. Whether and how to involve children in the mediation process

C. Indiana Family Case Law (Minimum four (4) hours) (reviewing statutes, rules, guidelines and key case law)

Topics at a minimum should include the following:

1. Property distribution (including brief overview of tax consequences of certain distributions and when to refer issues to an accountant or tax lawyer)
2. Child support and related issues, e.g., health insurance, payment of medical expenses and income withholding orders (including applicable guidelines, worksheets, and forms)
3. Custody and parenting time (including applicable guidelines for parents (considering applicable standards) and "children's best interests" from the legal perspective)
4. Third-party custody and guardianship
5. Grandparent and other third party visitation
6. Distinguishing features and differences in dissolution of marriage, paternity, guardianship, abuse and neglect (CHINS), termination of parental rights, and adoption cases as these relate to mediation practice
7. Tax exemptions, state and federal
8. Bankruptcy considerations and referral to bankruptcy attorneys in the mediation context
9. Legal context of mediation
10. Durability/flexibility of mediated agreements
11. Mechanics of interpreting/enforcing mediated agreements

D. Lawyers in Mediation (minimum one (1) hour)

Topics at a minimum should include the following and must be taught by an expert:

1. Role of litigants' lawyers in mediation process
2. Attorney/client relationships
3. Establishing credibility with lawyers
4. Attorney fees issues
5. Dealing with legal issues
6. Private sessions with lawyers

7. Attorney malpractice concerns
8. Discovery issues

E. Psychological Issues in Domestic Relations Litigation and Mediation
(minimum four (4) hours)

Topics at a minimum should include the following and must be taught by an expert:

1. Family relationships and how they are impacted by separation and divorce
2. Domestic violence, also known as intimate partner violence and abuse
3. Child abuse or neglect
4. Substance abuse
5. Relationship of financial and custody issues
6. Psychologically dysfunctional disputants
7. Use of mental health experts and resources
8. Identification of other psychological issues and referral resources

F. Interpersonal Dynamics in Communications

Although the following topics may be repetitive of the 40-hour domestic relations mediation training course, they must be addressed as they apply to the domestic relations arena. (minimum two (2) hours)

1. Common issues surrounding relationship of litigants
2. Forming relationships and building rapport
3. Establishing trust
4. Setting a cooperative tone
5. Empathetic listening and questioning
6. Using self as a barometer for understanding party reactions
7. Staying non-judgmental

G. Issues Concerning Needs of Families over Time (minimum four (4) hours)

Topics at a minimum should include the following and must be taught by an expert:

1. Differing perspectives of parents and children, and how these perspectives may change over time
2. Impact of legal processes on children's attitudes/behavior

3. Co-parenting and shared parental responsibility
4. Parenting agreements from the mental health professional's point of view
5. How different parties' needs change over time and how to anticipate and manage these changes
6. How needs in the initial separation differ from needs in a modification of an order or agreement
7. "Best interests of the child" from the social science perspective
8. Community resources and experts for family needs
 - a. Referral processes
 - b. When to refer/for what purposes
 - c. Most common types of referrals

H. Special Considerations when Mediating Cases with Domestic Violence (minimum four (4) hours)

Topics at a minimum should include the following and except for (6), at the Primary Trainers discretion, may be taught by an expert who teaches Psychological Issues in Domestic Relations Litigation and Mediation.

1. Characteristics, dynamics, and risks in differing types of domestic violence
2. How domestic violence may affect the parties' ability to communicate, present information, and make decisions (e.g., the effect that fear may have on a victim)
3. How to conduct effective screening for domestic violence
4. How to use the results of screening to determine whether or not mediation is appropriate when there has been domestic violence
5. How to provide accommodations in mediation that take into account the victim's safety and ability to make voluntary, non-coerced decisions when
 - a. There has been domestic violence
 - b. All parties nevertheless wish to mediate, and
 - c. The mediator believes it is appropriate to conduct the mediation
6. Whether and how to mediate when there is a protective order or no contact order between the parties to a mediation (must be taught by an attorney)
7. The role of a support person, if any, in mediation

I. Communications Skills and Knowledge

Topics at a minimum should include the following and must be taught by an expert or by the primary trainer:

1. Listening
2. Responding
3. Guiding
4. Paraphrasing
5. Confronting
6. Reframing
7. Attending to non-verbal communication
8. Identifying areas of consensus and disagreement
9. Questions
10. Clarifying
11. Using clear, neutral language
12. Balancing communication
13. Modeling constructive behavior

The remaining hours shall be devoted to:

J. Information Gathering Skills and Knowledge

This area must include structured role play. The exercise should highlight:

1. Questioning
2. Setting the agenda and prioritizing areas
3. Identifying issues
4. Exploring parties' background interests and concerns

K. Problem-Solving Skills and Knowledge

This area must include a structured role play. The exercise should highlight:

1. Identifying and analyzing problems and needs
2. Collecting data
3. Prioritizing issues

4. Framing issues
5. Narrowing issues
6. Converting positions into needs and interests
7. Educating parties
8. Identifying areas of agreement
9. Identifying principles and criteria to assist in decision-making
10. Designing temporary plans
11. Developing options and brainstorming
12. Evaluating options and consequences
13. Testing reality
14. Developing an implementation plan
15. Evaluating options and consequences
16. Testing reality
17. Developing an implementation plan
18. Assisting parties to identify alternatives to a mediated agreement

L. Ethical Decision-Making and Values Skills and Knowledge

1. Understanding mediation standards of ethical practice
2. Being sensitive to parties' values, including culture
3. Remaining non-judgmental
4. Establishing a commitment to honest disclosure
5. Maintaining dignified behavior
6. Being respectful of the parties
7. Not imposing personal and professional values
8. Establishing and maintaining a right to self-determination by the parties
9. Honoring the uniqueness of parties
10. Ensuring individual responsibility of parties for themselves
11. Establishing the importance of each individual's participation

12. Ensuring voluntary agreements and participation
13. Dealing with commonly encountered ethical dilemmas
14. Empowering parties

M. Interaction and Conflict Management

1. Using ground rules
2. Reducing tensions
3. Balancing power
4. Refocusing
5. Confronting
6. Strategizing/orchestrating
7. Caucusing
8. Managing impasse
9. Empowering parties
10. Distracting/redirecting
11. Dealing with strong emotions
12. Maintaining control of the process
13. Managing the influence of non-parties

N. Professional Skills and Knowledge

1. Case management
2. Community and legal resources
3. Drafting memoranda and agreements
4. Effective use of outside experts
5. Obtaining, recording and monitoring factual information
6. Dealing with complex factual materials
7. When and how to refer issues to other forms of alternative dispute resolution
8. Referral criteria (e.g. to accountants, appraisers, etc.)

VI. RECERTIFICATION

Any mediation training program, certified by the Indiana Commission for Continuing Legal Education as meeting these standards, is certified for a period of five (5) years from the date of approval. However, the trainer must submit a listing of scheduled courses at least forty-five (45) days before each course, giving the date, time and place of the course. Any material change in the course (such as a change in a primary trainer, expert or the curriculum) requires a new application to the Commission.

VII. DECERTIFICATION

The Commission has the right to audit certified programs. Such an audit may include, but is not limited to: attendance of any part of the course; examination of evaluation forms; examination of curriculum and written materials; and, interviewing participants. Programs which are determined to no longer comply with these standards will be decertified.

Forms

- [Application for Certification of Domestic Relations Crossover from Civil Mediation Training Program](#)

COURSE ACCREDITATION FOR MEDIATOR EDUCATION

Continuing Mediation Education (CME)

The [Rules for Alternative Dispute Resolution](#) outline accreditation policies for mandatory continuing legal education in Indiana.

Sponsors must complete an application for course accreditation at least thirty (30) days before the first date on which the course is to be offered.

Application Checklist

Before submitting this application to the Commission for consideration, please check the following:

1. Sponsors must submit application 30 days before a course is presented (see [Accreditation and Attendance Fees](#) for more information).
2. Form is complete and signed.
3. The required course enclosures are provided.
4. Continuing Mediation Education "CME" minutes have been computed correctly
 - a. Only time of actual instruction counts toward credit hours.
 - b. Credit is not given for introductory remarks, breaks or business meetings.
 - c. If credit is requested for a dinner or luncheon speaker, minutes will be deducted for service of the meal.
5. Sponsors are encouraged to plan activities that are at least 60 minutes long.
6. No credit is given for in-house activities (except for government or academic mediators).
7. No credit is given for self-study activities.
8. No credit is given for a telephone seminar.
10. No credit is given for an Internet seminar.

Forms

- [Application for CME Accreditation](#)

Educational Resources for CLE Providers

Learning about Learners

- [The Experiential Learning Process: Taking in & Transforming Information by "Going Around the Circle"](#)
- [Characteristics of the Four Learning Modes](#)
- [Retention by Teaching Strategies](#)

Additional Resources

- [Checklist for Planning CLE Presentations](#)
- [Presentation Strategies and the Learning Circle](#)
- [Tips for Better CLE Presentations](#)
- [Overview of Curriculum Development](#)
- [Writing Learning Objectives Using Bloom's Revised Terms](#)
- [Kirkpatrick's Four Levels of Evaluation](#)
- [Recent Developments in Continuing Professional Education](#)
- [Generational Differences and Learning](#)