

In the
Indiana Supreme Court

CAUSE NUMBER: 94S00-1003-MS-128



ORDER AMENDING INDIANA RULES FOR ALTERNATIVE DISPUTE RESOLUTION

Under the authority vested in this Court to provide by rule for the procedure employed in all courts of this state and this Court's inherent authority to supervise the administration of all courts of this state, Indiana Alternative Dispute Resolution Rules 2.3 and 2.5 are amended to read as follows (deletions shown by ~~striking~~ and new text shown by underlining):

...

Rule 2.3. Listing of Mediators: Commission Registry of Mediators

Any person who wishes to serve as a registered mediator pursuant to these rules must register with the Indiana Supreme Court Commission for Continuing Legal Education (hereinafter "Commission") on forms supplied by the Commission. The registrants must meet qualifications as required in counties or court districts (as set out in Ind. Administrative Rule 3(A)) in which they desire to mediate and identify the types of litigation which they desire to mediate. Two or more persons individually who are qualified under A.D.R. Rule 2.5 may register as a mediation team. All professional licenses must be disclosed and identified in the form which the Commission requires.

The registration form shall be accompanied by a fee of \$50.00 for each registered area (Civil or Domestic). An annual fee of \$50.00 shall be due the second ~~June 30th~~ December 31st following initial registration. Registered mediators will be billed at the time their annual statements are sent. No fee shall be required of a full-time, sitting judge.

The Commission shall maintain a list of registered mediators including the following information: (1) whether the person qualified under A.D.R. Rule 2.5 to mediate domestic relations and/or civil cases; (2) the counties or court districts in which the person desires to mediate; (3) the type of litigation the person desires to mediate; and (4) whether the person is a full-time judge.

The Commission may remove a registered mediator from its registry for failure to meet or to

maintain the requirements of A.D.R. Rule 2.5 for non-payment of fees. A registered mediator must maintain a current business and residential address and telephone number with the Commission. Failure to maintain current information required by these rules may result in removal from the registry.

For the billing of calendar year 2011, when this Rule becomes effective, registered mediators must pay the \$50.00 annual fee and a one-time fee of \$25.00 for the time period July 1, 2011-December 31, 2011, for a total of \$75.00 per registration area. The annual fee shall be \$50.00 per calendar year per registration area thereafter.

On or before ~~May 31~~ October 31 of each year, each registered mediator will be sent an annual statement showing the mediator's educational activities that have been approved for mediator credit by the Commission.

...

Rule 2.5. Qualifications of Mediators

...

(C) Continuing Mediation Education (“CME”) Requirements for All Registered Mediators. A registered mediator must complete a minimum of six hours of Commission approved continuing mediation education anytime during a three-year educational period. A mediator’s initial educational period commences January 1 of the first full year of registration and ends December 31 of the third full year. Educational periods shall be sequential, in that once a mediator’s particular three-year period terminates, a new three-year period and six hour minimum shall commence.

~~(1)~~ Mediators registered before the effective date of this rule shall begin their first three-year educational period January 1, 2004.

~~(2) Attorney mediators may petition the Commission to align their three-year mediator educational period with their three-year continuing legal education educational period. During the period of realignment, attorney mediators must report a prorated number of continuing mediation hours.~~

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These amendments shall take effect January 1, 2011.

The Clerk of this Court is directed to forward a copy of this Order to the clerk of each circuit court in the state of Indiana; Attorney General of Indiana; Legislative Services Agency and its Office of Code Revision; Administrator, Indiana Supreme Court; Administrator, Indiana Court of Appeals; Administrator, Indiana Tax Court; Public Defender of Indiana; Prosecuting Attorney's Council; Public Defender's Council; Indiana Supreme Court Disciplinary Commission; Indiana Supreme Court Commission for Continuing Legal Education; Indiana Board of Law Examiners; Indiana Judicial Center; Division of State Court Administration; Indiana Judges and Lawyers Assistance Program; the libraries of all law schools in this state; the Michie Company; and Thomson Reuters. The Clerk is also directed to post this Order to the Court's website.

Thomson Reuters is directed to publish this Order in the advance sheets of this Court.

The Clerks of the Circuit Courts are directed to bring this Order to the attention of all judges within their respective counties and to post this Order for examination by the Bar and general public.

DONE at Indianapolis, Indiana, this 21st day of September, 2010.

/s/Randall T. Shepard
Randall T. Shepard
Chief Justice of Indiana

All Justices concur.