

**CIVIL CROSSOVER FROM DOMESTIC RELATIONS MEDIATION TRAINING PROGRAM  
APPLICATION FOR SUPREME COURT CERTIFICATION**

*\*\*NOTICE to APPLICANT: Applicants should refer to Civil Crossover from Domestic Relations Mediation Training Standards when completing this form.*

**Return completed forms via e-mail to: [ace@courts.in.gov](mailto:ace@courts.in.gov)**

**PROGRAM INFORMATION**

Program Name

Program Dates

Program Site

Sponsor Name:

CLE Sponsor number

Website of Organization

Address of Sponsor

City

State

Zip Code

Contact Person  
(if different than above)

Telephone

Fax

E-Mail Address

**FACILITATOR INFORMATION**

PRIMARY TRAINER(S)

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ASSISTANT TRAINER(S)

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Has the primary trainer submitted a "Mediation Trainer Application" to the Commission for Continuing Legal Education? Yes

No

Has each assistant trainer completed and submitted a "Mediation Trainer Application" to the Commission for Continuing Legal Education? Yes

No

**EXPERT PROFILES**

List Expert(s) who will teach "Psychological Issues in Domestic Relations Litigation and Mediation"

Has each expert listed submitted a mediation expert application to the Commission for Continuing Legal Education? Yes

No

Maximum number of participants per training program

Will each participant complete at least three (3) role plays? Yes

No

Indicate what role participants will play

Describe how the role plays will be evaluated

Will each primary trainer and/or assistant trainer view no more than two (2) role plays simultaneously?      Yes  
No

Will you ensure that each participant will be involved in a role play as a mediator and as a party?      Yes  
No

What procedure will be instituted to ensure that participants attend the entire session?

Teaching techniques utilized during training programs will include (please check all that apply):

- Lecture                                      Group Discussion                                      Readings
- Written Exercises                                      Mediation Simulation                                      Role Plays
- Other:



Relevant court rules, local procedures and forms

Required disclosures to mediation participants

Distinguishing between legal information or education, and legal advice

Special considerations when dealing with self-represented mediation parties, including drafting documents

Interests of third parties

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

### **Lawyers in Mediation**

Role of litigants' lawyers in the mediation process

Attorney-client relationships

Establishing credibility with lawyers

Attorney fees issues

Dealing with legal issues

Private sessions with lawyers

Attorney malpractice concerns

Discovery issues

### **Dynamics in Mediation**

Dealing with institutional litigants

Complexity of Litigation

Third party interests

Dealing with insurance

Carrier assessments/roles

Context/environment in which the case is proceeding to mediation

### **Interpersonal Dynamics in Communications**

Common issues surrounding relationship of litigants

Forming relationships and building rapport

Establishing trust

Setting a cooperative tone

Empathetic listening and questioning

Using self as a barometer for understanding party reactions

Remaining non-judgmental

### **Communication Skills and Knowledge**

Listening

Responding

Guiding

Paraphrasing

Confronting

Reframing

Attending to non-verbal communication

Identifying areas of consensus and disagreement

Questioning

Clarifying

Using clear, neutral language

Balancing communication

Modeling constructive behavior

### **Introduction to Conflict Resolution Theory**

Conciliation, mediation, arbitration-definitions and distinctions

Negotiation theory

The effect of mediation at various stages of litigation, including pre-suit

Mediation process

Review of mediation effectiveness

### **Informational Gathering Skills and Knowledge**

Questioning

Setting the agenda and prioritizing areas

Identifying Issues

Exploring parties' background, interests and concerns

## **Problem-Solving Skills and Knowledge**

- Identifying and analyzing problems and needs
- Collecting data
- Prioritizing issues
- Framing issues
- Narrowing issues
- Converting positions into needs and interests
- Educating parties
- Identifying areas of agreement
- Identifying principles and criteria to assist decision-making
- Designing temporary plans
- Developing options and brainstorming
- Evaluating options and consequences
- Testing reality
- Developing an implementation plan
- Assisting parties to identify alternatives to a mediated agreement

## **Ethical Decision-Making and Values Skills and Knowledge**

- Understanding mediation standards of ethical practice
- Being sensitive to parties' values, including culture
- Remaining non-judgmental
- Establishing a commitment to honest disclosure
- Maintaining dignified behavior
- Being respectful of the parties
- Not imposing personal and professional values
- Establishing and maintaining a right to self-determination by the parties
- Honoring the uniqueness of parties
- Ensuring individual responsibility of parties for themselves
- Establishing the importance of each individual's participation
- Ensuring voluntary agreements and participation
- Dealing with commonly encountered ethical dilemmas

## **Interaction and Conflict Management Skills and Knowledge**

- Using ground rules
- Reducing tensions
- Balancing power
- Refocusing
- Confronting
- Strategizing/orchestrating
- Caucusing
- Managing impasse
- Empowering parties
- Distracting/redirecting
- Dealing with strong emotions
- Maintaining control of the process
- Managing the influence of non-parties

## **Professional Skills and Knowledge**

- Case management
- Community and legal resources
- Drafting memoranda and agreements
- Effective use of outside experts
- Obtaining, recording and monitoring factual information
- Dealing with complex factual materials
- When and how to refer issues to other forms of alternative dispute resolution
- Referral criteria -- e.g., to accountants, appraisers, etc.

## **CHECKLIST**

### ***The following materials must accompany your application for certification***

- Complete program agenda, including the time allotted and instructor assigned for each topic/segment
- Bibliography of required readings
- Summary of course materials
- Copy of evaluation form to be used by participants
- Completed Mediation Trainer Application (if not on file with the Commission office) for each primary and assistant trainer
- Completed Mediation Expert Application (if not on file with the Commission office) for each expert.



**VERIFICATION OF APPLICATION**

I hereby certify that the application submitted for Supreme Court certification as a civil crossover from domestic relations mediation training program contains accurate and complete information to the best of my knowledge. I acknowledge that I have a continuing duty to inform the Commission of any material changes in information submitted in this application from the date of this application through the duration of any certification approved by the Commission. *(You may sign this form electronically)*

\_\_\_\_\_  
Signature of Training Program Sponsor

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Date