

# FORTY HOUR CIVIL MEDIATION TRAINING PROGRAM APPLICATION FOR SUPREME COURT CERTIFICATION

*\*\*NOTICE to APPLICANT: Applicants should refer to Forty (40)-Hour Basic Mediation Training Standards when completing this form.*

**Return completed forms to:**

**Indiana Office of Admissions and Continuing Education  
251 N. Illinois Street, Suite 550  
Indianapolis, IN 46204**

**Please print**

## 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"

List Expert(s) who will teach "Communication Skills and Knowledge" and "Interpersonal Dynamics"

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

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Describe how the role plays will be evaluated

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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?

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

Lecture

Group Discussion

Readings

Written Exercises

Mediation Simulation

Role Plays

Other:

## AGENDA SUMMARY

Verify the following topics will be taught according to the Standards for the course by providing the following information:

### Topic: **Indiana ADR Rules 1-8**

Who will teach this subject?

Indiana lawyer in good standing?

Yes

No

Attorney Number

### Topic: **Mediation Case Law Update**

Who will teach this subject?

Indiana lawyer in good standing?

Yes

No

Attorney number

## **Subject checklist**

**Mediation Case Law Update:** Please verify that the following topics will be included in the discussion by marking all that apply:

Conflicts of interest

Confidentiality and its limits

Facilitating fair, reasonable and voluntary agreements

Promotion of mutual respect of the participants in the mediation session including power balancing & control & decorum

Maintaining impartiality and neutrality  
Standards recommended by national associations  
Role of mediators as officers of the court  
Addressing cultural differences among the participants in mediation  
Mediator malpractice concerns  
Disciplinary procedures  
Difference between court ordered and voluntary mediation  
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

### **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  
Referral criteria -- e.g., to accountants, appraisers, etc.

### **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 Communication**

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

### **Communications 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

## **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 Forty (40)-hour basic 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.

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

\_\_\_\_\_  
Date