

Indiana Judicial Conference  
Alternative Dispute Resolution Committee  
Meeting Minutes

August 11, 2017

I. **Call Meeting to Order**

Judge Avery called the meeting to order at 11:04 A.M. (EDT).

Members participating: Chair David Avery, Elaine Brown, PJ Dietrick, Jeff Edens, Jim Joven, Nanette Raduenz, Andrea Trevino, and Randy Williams. All members and staff participated via conference call.

Staff: Mike Commons.

II. **Agenda Items**

ADR Best Practices Manual

The committee will undertake to prepare an ADR Best Practices Manual offering judicial officers information how other judicial officers in Indiana utilize ADR. The plan is to solicit information from judicial officers as to what types of ADR are used and to include forms and CCS entries for the implementation of the ADR method.

The committee discussed how best to begin the project. Mike Commons will contact the Education Committee to determine if an information sheet could be inserted in the registration materials at the upcoming Annual Judicial Conference in September. Other suggestions were to find out if a brief announcement could be made at one of the plenary sessions at the conference or to send out a general email or even insert an item in the Supreme Court's Wednesday email. Magistrate Trevino and Judge Avery will prepare a proposed information sheet that will be sent to the other members of the committee for review and input.

Once the committee is able to find out which judicial officers are willing to provide information about their programs, the committee will make personal contacts to assist in gathering the information.

III. **Other New Matters**

ADR Service Providers List

Magistrate N. Raduenz suggested that the committee consider maintaining a list of mediators and parenting coordinators that can be used by judicial officers when naming panels for the parties.

Should a list be created for these, as well as senior judges willing to handle some of these matters?

Judge Avery suggested that the ISBA ADR section/committee be contacted to see if they would have an interest in maintaining such a list, or at least cooperate in the development and maintenance of the lists.

#### MFTCAP

Judge Edens asked about the status of funding for the mortgage foreclosure programs. Mike Commons provided a status on the funding. Mike will follow up with OCS to determine if MFTCAP should be connected to ADR Committee and to inquire if the committee could/should help address the issue about funding, etc.?

Magistrate N. Raduenz inquired whether the MFTCAP be funded like the domestic relations ADR Fund Plans, with legislation that specifically authorizes a county to create such a plan and collect the filing fees? She also inquired if the ADR committee should be doing anything pertaining to the domestic relations ADR Fund Plans. Mike will check with OCS.

#### IV. **Old Matters**

##### IU Research Project

Professor Quintanilla is working with ISBA to gather the survey results. They are analyzing the data. A preliminary report will be provided at the ISBA Annual Meeting. Judge Avery to share update to Committee after meeting.

#### V. **Other Matters**

##### Thank You, Judge Randy Williams

Thank you for your participation on the ADR Committee for the past six years. If you have an interest in continuing to participate as a guest, you are welcome.

#### VI. **2016 Meeting Dates**

The final meeting scheduled for 2016 is Friday, November 3, 2017, at the OCS office beginning at 10:30 AM EDT.

#### VII. **Adjourn**

The meeting was adjourned at 11:50 A.M. (EDT).

Indiana Judicial Conference  
Alternative Dispute Resolution Committee  
Meeting Minutes  
November 3, 2017

I. **Call Meeting to Order**

Judge Avery called the meeting to order at 10:30A.M. (EDT).

Members participating: Chair David Avery, PJ Dietrick, David Northam, Nanette Raduenz, and Stephen Scheele. Jeff Edens, Jim Joven, and Andrea Trevino participated via conference call.

Staff: Jennifer Weber.

II. **Agenda Items**

IU Research Project

Professor Quintanilla distributed an email (November 2, 2017) members reviewed at the meeting, summarizing the progress on the ADR study. Judge Avery also provided a brief summary explaining that this phase of the study completed a survey of the DR and ADR section of the ISBA attorneys. Findings were recently presented at the annual ISBA meeting – reported in the Indiana Lawyer article published October 4, 2017 (also included in the materials for members to review). Members remarked on the finding that mediation styles are being tailored or altered to be conducive to the case – rather than a preferred set procedure (and whether this would be helpful for mediator training).

Mortgage Foreclosure Facilitation

Mike Commons provided a summary brief to members on the status of the Mortgage Foreclosure Trial Court Assistance Project (MFTCAP). Discussion concerned the July 1, 2017 termination of the \$50 filing fee and how this may impact settlement conference funding. The Committee concluded moving forward with an initiative similar to the ADR fund plans to support foreclosure facilitation might resolve this continuing requirement to provide conferences and ensure local funding is available. Judge Edens discussed a workgroup he is involved with addressing this issue/topic. Action determined was to prepare a simple resolution for approval by the ADR committee that could assist Judge Eden’s workgroup.

ADR Service Providers List

Mag. Raduenz and Judge Avery identified the issue of no central listing of parenting coordinators or guardian ad litem existing for judicial officers to refer to – like the mediator registry. Discussion turned to how to better promote parenting coordinators throughout the state and in high-conflict cases and other options for resolution or education for parties, like referral to parenting classes. Judge Avery agreed to follow-up with the Office of Admissions and Continuing Education to determine if including a “Parenting Coordinator” box on the existing mediator registry is feasible to address the coordinator provider list problem.

## ADR Best Practices Manual

The committee reviewed materials and responses from its request for information from judicial officers at the Annual Judicial Conference. Judge Avery also provided a brief template of a format for the project. Members discussed various ways to publish the guide – and settled on electronic format, likely accessible on INsite, if feasible. A subcommittee was formed to continue discussion on format, content, and gathering materials from colleagues – but Judge Avery encouraged all members to survey colleagues for information/templates/samples of ADR processes and methods. The subcommittee for the manual will be: Judge Avery; Judge Edens; Mag. Raduenz; Mag. Scheele; and Mag. Trevino.

### III. **Other New Matters**

#### Continuing CME Availability

Judge Avery reported a concern expressed by a CLE Commission member about the unavailability of CME (Continuing Mediator Education) courses for less populated counties. Members discussed whether this could be addressed by better promotion of events, making their court facilities available for hosting events, and whether the Commission should consider other ways to provide/approve CME (distance education options).

### IV. **2018 Meeting Dates**

1. May 4, 2018
2. August 24, 2018

All meetings begin at 10:30 ET at the Indiana Office of Court Services.

### V. **Adjourn**

The meeting was adjourned at 12:03 P.M. (EDT).