

Indiana Judicial Conference
Alternative Dispute Resolution Committee
Meeting Minutes
May 3, 2019

I. **Call Meeting to Order**

Judge Avery called the meeting to order at 12:47P.M. (EST).

Members participating: Chair David Avery and Nan Raduenz in person, and Elaine Brown, Keith Doi, and Sam Scheele participated via conference call.

Staff: Mike Commons.

II. Meeting Minutes Review & Approval: Approved without objection.

III. Old Business

A. Update List of ADR Service Providers (Mediators/Parenting Coordinators)

Judge Avery spoke with Brad Skolnik of the Office of Admission and Continuing Education. Brad stated everything is in place to recognize mediators through the Mediator Registry by allowing them to also identify their status as a Parenting Coordinator.

B. Parenting Coordinators – Teleconference with IAFCC – President, Natalie Snyder

- Do we know how many courts are using PCs?
- Can we use a Weds Weekly message to survey judges regarding: “Who is using or has used in the past PC? Please contact Mike Commons or Judge David Avery.” (Surveys are generally disfavored by the Supreme Court.)
- Are there areas where the PC Guidelines need to be reviewed/revise?
- Lawyers could use MH training and MH workers could use the legal training.
 - Hard to get ANY training at this point, much less multiple types focused on PC work.
 - ADR Comm could suggest to ACE that CME trainings be approved that focus on MH PC training for lawyers, and legal PC training for MH professionals (registered as DR Mediators)

C. Mortgage Foreclosure Facilitation

- No longer funded (ended Dec. 31, 2018)
- Do we consider expanding the DR ADR Fund Plan statute to become usable towards other case types?
- Do we take over monitoring MF case settlement conferences as ADR?
 - Likely

IV. New Business

A. Role of the Judges ADR Committee

1. Review of ADR Rules

- Support for expanding the use of rules to other forms of ADR outside of the current 5.
- 2. Examine other forms of ADR – need for addition of Rules for more promising methods of ADR
- 3. Need to educate judiciary of the value of ADR and the need to be proactive in using ADR to address caseloads – Judge Avery to Speak with Vicki Davis of IOCS, Ed. Div.
 - Have judicial education opportunities to discuss what’s being done around the state regarding dispute resolution.
 - Panel discussions
 - Experts
 - Which case types, or types of cases within case types.
 - Expanding ADR to be used for criminal cases?
 - Which ADR types are being used?
 - How are they being used?
 - How are they funded?
- 4. Identify the unmet need for ADR in Indiana courts?

V. 2019 Meeting Dates

1. August 16, 2019
2. November 1, 2019

All meetings begin at 10:30 ET at the Indiana Office of Court Services, unless otherwise indicated.

VI. Adjourn

The meeting was adjourned at 2:21 P.M. (EST).

Indiana Judicial Conference
Alternative Dispute Resolution Committee
Meeting Minutes
August 16, 2019

I. **Call Meeting to Order**

Judge Scheele called the meeting to order at 10:34am (EST).

Members participating: Chair Stephen Scheele, Jeff Todd, Lucas Rudisill, Davin Smith, Paul Freed, Alicia Gooden, P.J. Dietrick, and Ben Vanderpool in person, and Elaine Brown and Keith Doi participated via conference call.

Staff/Guest: Mike Commons, staff to Committee; Justice Dickson.

II. Introduction and Meet/Greer of Committee Members and Thanks to Prior Members

- Thank you to the service of Judge David Avery, Judge John Roach, and Magistrate Nan Raduenz.

III. Meeting Minutes Review & Approval: May 3, 2019 meeting minutes approved without objection.

IV. Encouragement of Personal Presence at Future Meetings

- Can meetings be held off-site?
 - Court of Appeals (PNC Bank center – 10th Floor)
 - In other regions?

V. Old Business

A. Senior Judges and ADR – visit by Justice Dickson

- Availability of Senior Judges
 - i. Historically, the availability to use Senior Judges was expanded to include ADR services based on an overabundance of Senior Judge days.
 - ii. More recently, that availability has gone the opposite direction; fewer Senior Judge days are available
 - iii. With more days, SJ can be used for ADR services
 - iv. With fewer days, SJ are more likely to be used for Bench service
- Pay for ADR through a county program is less than the private market
- Does SJ ADR service count against county SJ days?
- There will be a new website/portal through which county judges can see the list of SJ available to cover any particular area
 - i. Allow for an indication for whether they will do ADR services?
 - ii. Allow for an indication for which case types they can/can't handle?

B. Role of ADR Committee

- Revisit Mission Statement/Purpose
- What is the source of the ADR Committee (and the Judicial Conference's authority to create these committees...?)

C. IU Research Project – Law Professor Quintanilla

- D. Mortgage Foreclosure Settlement Conference/Facilitation
 - No longer funded (ended Dec. 31, 2018)
 - Do we consider expanding the DR ADR Fund Plan statute to become usable towards other case types?
 - Do we take over monitoring MF case settlement conferences as ADR?
 - Likely
- E. ADR Best Practices Manual and/or Bench Book
 - Consider this moving forward
- F. Update List of ADR Service Providers (Mediators/Parenting Coordinators)
 - Judge Avery spoke with Brad Skolnik of the Office of Admission and Continuing Education. Brad stated everything is in place to recognize mediators through the Mediator Registry by allowing them to also identify their status as a Parenting Coordinator.
- G. Reconciliation of mediation statute (I.C. 4-21.5-3.5-18) and ADR Rule 2.7(c)
 - Standing by to assist ISBA (see 11/2/2018 Minutes)
- H. ADR Rules
 - Prospective tweaks
 - Prospective Addition of Commentary to the ADR Rules

VI. New Business

- A. Prospective Legislation to Expand Scope of IC 33-23-6
 - To include all family law case types
 - To include other civil case types, mortgage foreclosure cases
 - To include criminal case types
- B. Possible Visions and Goals going forward

VII. 2019 Meeting Dates

1. November 1, 2019 – at Court of Appeals offices, 10th floor PNC building
2. Feb/March 2020
3. May/June 2020
4. Aug/Sept 2020
5. Nov/Dec 2020

All meetings begin at 10:00 ET at the Indiana Office of Court Services, unless otherwise indicated.

VIII. Adjourn

The meeting was adjourned at 12:31 P.M. (ET)

**Indiana Judicial Conference
Alternative Dispute Resolution Committee
Chair and Staff Meeting**

Agenda

November 1, 2019
10:00 AM (EDT)

I. Call to Order

Judge Gooden called the meeting to order at 10:00am (EDT).

Members participating: Chair Alicia Gooden, David Northam, Elain Brown, and Catherine Stafford, in person, and Jeff Todd and Ben Vanderpool participated via conference call.

Staff/Guest: Mike Commons, staff to Committee.

II. Scheele on Disabled List: Thanks to Judge Gooden for Chairing

III. Thanks to Judge Brown/Court of Appeals for Hosting

IV. Mourning and Memories of our Departed Friend/Colleague,
Magistrate, Nanette K. Raduenz

V. Meeting Minutes Review/Approval for August 16, 2019
meeting minutes approval moved by Judge Brown, seconded by
Judge Vanderpool, approved without objection.

VI. Old Business

A. MF Settlement Conference/Facilitation

- Indiana Bar Foundation has contributed \$115,000 to reinstate funding for MF facilitations.
- What are the longer-term funding options?
- *Should we consider amending the ADR Fund Plan Statute

B. ADR Bench Book

- The Civil Bench Book has significant coverage of ADR and appears to already accomplish this task. No need to recreate the wheel.

C. Centralized Listing of Parental Coordinators

- Per Brad Skolnick of the Office of Admissions and Continuing Educations (ACE): This year's registration process has been updated so domestic relations mediators may now also designate themselves as parenting coordinators. As of 10/17/2019, 65 mediators had so designated themselves.
- This has been in the works for some time, and it's nice to see it become a reality.
- Current mediator registry isn't functionally useful.
- *PC isn't a searchable/filterable criteria.
- *Also, can this be a check box indicating they are willing to accept PC referrals, rather than that they are PC trained.
- Also, registry lists mediators willing to mediate in many counties but will not do so without additional travel expenses.
- *Can this be changed to require county listing to be counties you're willing to practice in *without* travel expenses.
- *How are search results displayed? Random?

VII. New Business

- A. Marion County Small Claims and ADR - new COA case. Is Mediation still able to be used in small claims cases? Can we explore use of non-attorneys in certain cases. ([Email link to case.](#))

<https://www.in.gov/judiciary/opinions/pdf/10171901jsk.pdf>)

VIII. Potential project(s) for long-term future

A. Update ADR Rules

- This should be done.
- Ensure practitioners' perspectives are included.
- Judges review ADR Rules.
- Mike to work with Chair to identify the process from A to Z to amend a whole set of rules.

B. Propose legislation to expand scope of IC 33-23-6 to include all family law case types (and/or other/all civil law case types, including MF cases to replace the MFTCAP program as contemplated before)

- How to waive filing fees but only some so these fees can be collected?

C. Discuss how neighboring counties might band together to share ADR resources (service providers and dollars)

- Can we create a map with fund plans, balances, and districts?
- Can this be compared to Tax Increment Financing districts?
Where money is collected within a county (within a district) and then redistributed within the district otherwise.

IX. Calendar Year 2020 Meeting Dates

Feb. 7

May 1

Aug. 14

Nov. 6

X. Adjourn