



Alternative Dispute Resolution Committee
Meeting Minutes

July 25, 2014

- I. Judge Avery called the meeting to order at 10:35 a.m.

Members present: Chair David Avery, Larry Ambler, James Joven, Nanette Raduenz; Victoria Ransberger; Kim Van Valer; and Randy Williams.

Guests: Mark Taxter; Marilyn Smith; and Mark Loyd (via telephone).

Liaison: Julia Orzeske, Indiana Commission for Continuing Legal Education

Staff: Jen Weber, IJC.

II. **Meeting Minutes**

The November 8, 2013, meeting minutes were reviewed. Judge Brown had communicated via email prior to the meeting that she attended the November meeting, which was not reflected in the draft minutes sent to members prior to the meeting. Ms. Weber updated the minutes accordingly, and the draft minutes presented at the meeting were reviewed and approved unanimously.

III. **IU Research Project**

Judge Loyd and Judge Avery updated members on the IU research project collaboration with Professor Quintanilla at IU Maurer School of Law by first telling them that funding for the project has been secured through an IU research grant. Judge Loyd then explained that Phase 1, surveying the public on ADR preferences, was completed, and Phase 2 was proceeding – which would be surveying judges. It was further discussed how video vignettes of domestic relations proceedings will be used for Phase 2, and the script-writing and film production of the vignettes was in progress, with consultation of Judge Avery and Judge Loyd. Filming of the vignettes is scheduled for early August, with distribution of the surveys to the judges anticipated in the fall. After discussion it was determined that Jen Weber will send the vignettes to the committee members for their review and any additional feedback can be provided to Judge Loyd and shared with Professor Quintanilla.

IV. **Parenting Coordinator Rules Subcommittee**

Judge VanValer began summarizing the four the key issues the subcommittee reviewed: (1) PC qualifications, (2) confidentiality, (3) delegation of judicial authority, and (4) costs. Judge Loyd discussed comparisons with the recently passed Ohio PC

rules and their streamlined approach. Magistrate Ambler discussed issues with qualifications concerning uniformity and how that affects availability. Magistrate Ransberger addressed the issue of delegation of judicial authority by noting that most of the issues parenting coordinators resolve help parties avoid using contempt procedures and costly legal fees for things that do not involve safety, change of custody, etc.. This issue was then briefly tabled for further discussion later in the meeting.

V. **Community Mediation**

Ms. Smith, a mediator and attorney with Consensus Building Partners, and Mr. Taxter, a mediator and conflict resolution services coordinator with the Marion County Prosecutors Office, introduced themselves and began by explaining that Indiana Code 34-57- 3-et-al provides for the establishment of community dispute resolution centers, but that currently none are utilized due to sustainability issues. They explained their initiative is to promote community mediation and dispute resolution by creating an infrastructure to support dispute resolution funding. To begin, they would like to obtain a court reform grant by partnering with a supervising judge to study the current state of community dispute resolution and then secondly, design a community dispute resolution program. For any interested judges, Jen Weber agreed to provide their contact information.

VI. **Parenting Coordinator Rules Subcommittee**

The discussion on the parenting coordinating rules resumed, and the issues of confidentiality and costs were discussed by Magistrate Raduenz and Judge VanValer. Members also discussed whether parenting coordination could be only by agreement of the parties, or ordered by the court. A broader discussion ensued regarding whether the rules should be guidelines, independent rules, or incorporated into the ADR rules. Members agreed to make a decision at the October meeting on what form the rules should proceed in – guidelines, ADR rules, or independent.

VII. **ADR Task Force**

Members received a draft of proposed amendments to the ADR rules created by the ADR rules taskforce. Judge Avery explained that the taskforce did not submit revisions to Rule 3, Arbitration, as there was still ongoing discussion on whether the rule should be amended to address non-binding arbitration only. Judge Avery discussed this proposed change, because other statutes and rules primarily address binding arbitration. There was some question raised by members about whether federal law pertaining to arbitration pre-empts non-binding arbitration and that would impact the proposed revision. Members agreed to have the taskforce review Rule 3 and look at the revisions for approval at the October meeting.

VIII. **2014 meeting dates:** October 24, 2014, 10:30AM, IJC office.

IX. **Adjourn:** 12:32pm



Alternative Dispute Resolution Committee
Meeting Minutes

October 24, 2014

- I. Judge Avery called the meeting to order at 10:30 a.m.

Members present: Chair David Avery, Larry Ambler, Elaine Brown, Jeffrey Edens, David Northam, and John Roach.

Guest: Mark Loyd (via telephone).

Staff: Jen Weber, IJC.

II. **Meeting Minutes**

The July 25, 2014, meeting minutes were reviewed and approved unanimously.

III. **IU Research Project**

Judge Loyd updated members on the IU research project collaboration with Professor Quintanilla at IU Maurer School of Law. Judge Loyd explained that Phase 2 filming of the video commenced in August and he was on-sight during the production of the filming to provide assistance. The video vignettes are now in the post-production process and the survey development is continuing. Professor Quintanilla provided members with an overview of that process, via written outline/memorandum. (Attachment 1).

IV. **Parenting Coordinator Rules**

Following up discussion from the prior meeting in July, Judge Avery reminded members that the decision needed to be made whether the PC Rules should be incorporated into the Parenting Time Guidelines, or issued as independent PC Rules. Discussion ensued over whether they could be referenced in the ADR Rules but maintained in the PT Guidelines; narrowed down in scope or language to be more concise; retained in the PT Guidelines but eliminate the commentary; or create a basic PC Rule and then create guidelines for judges to use.

After lengthy discussion and several comments, it was determined that the term parenting coordination should be added to ADR Rule 1.1, and the PC Rules should be included as part of the Parenting Time Guidelines – once they are reviewed again by the PC subcommittee to address concerns raised by the S. Ct. Rules committee. Jen Weber will coordinate with the chair of the PC Rules subcommittee to arrange

meeting via conference call to begin working on the current draft of the PC Rules within the next thirty (30) days.

V. **ADR Task Force**

Members received a draft of proposed amendments to the ADR rules created by the ADR rules taskforce. Judge Avery explained that the new revisions to Rule 3 concerning arbitration chiefly convert the rule to address non-binding arbitration only. Members reviewed the Rule 3 amendment and proposed a revision to Rule 3.4(d) to state that: Traditional rules of evidence shall not apply to the arbitration process unless agreed to by the parties or otherwise ordered by the court. As amended, the Rule 3 revisions were unanimously approved. Judge Avery will prepare a cover letter summarizing all of the proposed ADR Rule revisions approved by the Committee for submission to the Board of Directors for their review and approval. Jen Weber will talk with Jane Seigel about the final Rule submission process for Supreme Court approval.

VI. **Proposed meeting dates for 2015 were approved:** March 27, 2014, July 24, 2015, and October 23, 2015, all to begin at 10:30AM, at the IJC office.

VII. **Adjourn:** 12:30pm
