

# Table of Contents

<b>PART 1 RULES FOR ALTERNATIVE DISPUTE RESOLUTION WITH AUTHOR’S COMMENTARY AND ANNOTATIONS .....</b>	<b>1</b>
---	----------

<b>ALTERNATIVE DISPUTE RESOLUTION RULE 1 GENERAL PROVISIONS .....</b>	<b>1</b>
---	----------

Rule 1.1	Recognized Alternative Dispute Resolution Methods.	1
Rule 1.2	Scope of These Rules.....	2
Rule 1.3	Alternative Dispute Resolution Methods Described ..	2
Rule 1.4	Application of Alternative Dispute Resolution .....	3
Rule 1.5	Immunity for Persons Acting Under This Rule .....	3
Rule 1.6	Discretion in Use of Rules.....	3
Rule 1.7	Jurisdiction of Proceeding.....	4
Rule 1.8	Recordkeeping .....	4
Rule 1.9	Service of Papers and Orders .....	4
Rule 1.10	Other Methods of Dispute Resolution .....	5
Rule 1.11	Alternative Dispute Resolution Plans .....	5
1:0	Development of Alternative Dispute Resolution .....	6
1:1, 1:2	Recognized methods and scope of rules.....	14
1:3	Alternative Dispute Resolution methods described .	16
1:4	Application of ADR Court Rules.....	21
1:5	Immunity for persons acting under this rule .....	22
1:6	Discretion in use of rules.....	23
1:7	Jurisdiction of proceeding.....	24
1:8, 1:9	Recordkeeping and service of papers .....	25
1:10	Other methods of Dispute Resolution .....	26
1:11	Indiana Annotations to ADR Rule 1 .....	26

<b>ALTERNATIVE DISPUTE RESOLUTION RULE 2 MEDIATION.....</b>	<b>31</b>
---	-----------

Rule 2.1	Purpose.....	31
Rule 2.2	Case Selection/Objection.....	31
Rule 2.3	Listing of Mediators: Commission Registry of Mediators .....	32
Rule 2.4	Selection of Mediators .....	33
Rule 2.5	Qualifications of Mediators.....	34
Rule 2.6	Mediation Costs .....	41
Rule 2.7	Mediation Procedure .....	41
Rule 2.8	Rules of evidence .....	45
Rule 2.9	Discovery .....	45
Rule 2.10	Sanctions.....	46
Rule 2.11	Confidentiality and Admissibility .....	46
2:1	Purpose.....	47
2:1.50	Requirement of good faith .....	49

## RULES ON ALTERNATIVE DISPUTE RESOLUTION

2:2	Case selection .....	62
2:3, 2:4	Listing of mediators; selection of mediators .....	67
2:5	Qualifications of mediators .....	69
2:6	Mediation costs.....	75
2:7	Mediation procedure.....	77
2:7.20	Evaluation of case by mediator.....	80
2:7.40	Mediation as practice of law?.....	81
2:7.60	Mediation sessions—Who must attend?.....	89
2:7.80	Enforcement of Mediated Agreements.....	104
2:8	Rules of Evidence .....	120
2:9	Discovery.....	121
2:10	Sanctions.....	121
2:11	Confidentiality.....	126
2:12	Indiana Annotations to ADR Rule 2 .....	146
2:13	Practice observations .....	169
 <b>ALTERNATIVE DISPUTE RESOLUTION RULE 3</b>		
<b>ARBITRATION .....</b>		<b>177</b>
Rule 3.1	Agreement to Arbitrate .....	177
Rule 3.2	Case Status During Arbitration .....	177
Rule 3.3	Assignment of Arbitrators.....	177
Rule 3.4	Arbitration Procedure.....	178
Rule 3.5	Sanctions .....	180
3:0	Historical background of the ADR Arbitration Rule .....	181
3:1	Agreement to arbitrate .....	192
3:2	Case status during arbitration .....	195
3:3	Assignment of arbitrators .....	196
3:4	Arbitration procedures .....	198
 <b>ALTERNATIVE DISPUTE RESOLUTION RULE 4</b>		
<b>MINI-TRIALS .....</b>		<b>221</b>
Rule 4.1	Purpose.....	221
Rule 4.2	Case Selection/Objection.....	221
Rule 4.3	Case Status Pending Mini-Trial .....	221
Rule 4.4	Mini-Trial Procedure.....	222
Rule 4.5	Sanctions .....	223
4:1	Purpose.....	223
4:2	Case selection/objection .....	225
4:3	Case status pending mini-trial .....	227
4:4	Mini-trial procedure .....	227
4:5	Sanctions.....	230
 <b>ALTERNATIVE DISPUTE RESOLUTION RULE 5</b>		
<b>SUMMARY JURY TRIALS.....</b>		<b>241</b>
Rule 5.1	Purpose.....	241
Rule 5.2	Case Selection .....	241

## TABLE OF CONTENTS

Rule 5.3	Agreement of Parties .....	241
Rule 5.4	Jury .....	243
Rule 5.5	Post Determination Questioning .....	243
Rule 5.6	Confidentiality .....	243
Rule 5.7	Employment of Presiding Official .....	244
5:1	Purpose.....	245
5:2	Case selection .....	246
5:3	Agreement of parties .....	248
5:4	Jury.....	249
5:5	Post determination questioning .....	250
5:6	Confidentiality.....	250
<b>ALTERNATIVE DISPUTE RESOLUTION RULE 6</b>		
<b>PRIVATE JUDGES.....</b>		253
Rule 6.1	Case Selection .....	253
Rule 6.2	Compensation of Private Judge and County .....	253
Rule 6.3	Trial by Private Judge/Authority .....	253
Rule 6.4	Place of Trial or Hearing .....	254
Rule 6.5	Recordkeeping .....	254
6:1	Rule and statutory program for private judges.....	255
6:2	Case selection, and private judge's qualifications .....	256
6:3	Trial and procedure.....	257
<b>ALTERNATIVE DISPUTE RESOLUTION RULE 7</b>		
<b>CONDUCT FOR PERSONS CONDUCTING ADR.....</b>		263
Rule 7.0	Purpose.....	263
Rule 7.1	Accountability and Discipline.....	263
Rule 7.2	Competence .....	264
Rule 7.3	Disclosure and Other Communications .....	264
Rule 7.4	Duties.....	265
Rule 7.5	Fair, Reasonable and Voluntary Agreements.....	265
Rule 7.6	Subsequent Proceedings .....	266
Rule 7.7	Remuneration.....	266
7:0	Purpose.....	267
7:1	Accountability and discipline .....	268
7:2	Competence .....	268
7:3	Disclosure and other communications .....	269
7:4	Duties .....	270
7:5	Fair, reasonable and voluntary agreements.....	271
7:6	Subsequent proceedings .....	271
7:7	Remuneration .....	272
<b>ALTERNATIVE DISPUTE RESOLUTION RULE 8</b>		
<b>OPTIONAL EARLY MEDIATION.....</b>		293
	Preamble .....	293
Rule 8.1	Who May Use Optional Early Mediation .....	293
Rule 8.2	Choice of Mediator .....	293

## RULES ON ALTERNATIVE DISPUTE RESOLUTION

Rule 8.3	Agreement to Mediate .....	293
Rule 8.4	Preliminary Considerations .....	294
Rule 8.5	Good Faith .....	294
Rule 8.6	Settlement Agreement .....	294
Rule 8.7	Subsequent ADR and Litigation .....	295
Rule 8.8	Deadlines Not Changed.....	295
Form A	Agreement for Optional Early Mediation .....	295
8:1	Application.....	297
8:6	Settlement Agreement.....	297
<b>PART 2 ALTERNATIVE DISPUTE RESOLUTION FORMS</b> .....		<b>299</b>
<b>MEDIATION FORMS</b> .....		<b>300</b>
Form 1	Joint Motion of Parties to Submit Matter to Mediation .....	300
Form 2	Motion to Submit Selected Issues to Mediation.....	301
Form 3	Joint Motion of Parties to Submit Selected Issues to Mediation .....	302
Form 4	Joint Motion of Parties to Submit a Matter to Mediation and Stipulation and Agreement on the Selection of a Mediator.....	303
Form 5	Motion of _____ [Moving Party] to Submit Case to Mediation .....	304
Form 6	Objection to Submission of Case to Mediation .....	305
Form 7	Stipulation and Agreement of Parties As to Selection of Mediator .....	307
Form 8	Notice of Striking from Court's List of Mediators .....	308
Form 9	Request to Replace Mediator.....	309
Form 10	Notice to Court by Mediator of Declination of Appointment.....	310
Form 11	Joint Motion of the Parties for Approval of Mediator .....	311
Form 12	Motion for Deferral of Discovery During Mediation..	312
Form 13	Agreement of Parties for Deferral of Discovery During Mediation .....	313
<b>ARBITRATION FORMS</b> .....		<b>315</b>
Form 14	Agreement to Arbitrate Pursuant to ADR Rule 3 ....	315
Form 15	Notice of Striking from Court's List of Arbitrators...	317
Form 16	Submission of Materials.....	318
Form 17	Objections to Admissibility of Documentary Matters.....	319
Form 18	List of Witnesses and Documentary Evidence .....	320
Form 19	Rejection of Arbitration Determination.....	321
Form 20	Motion for Court to Enter a Judgment on Arbitration Determination .....	322
<b>MINI-TRIAL FORMS</b> .....		<b>323</b>

## TABLE OF CONTENTS

Form 21	Joint Motion of Parties for a Mini-Trial Pursuant to ADR Rule 4 .....	323
Form 22	Motion for Mini-Trial Pursuant to ADR Rule 4 .....	324
Form 23	Objection to Order Assigning Case for a Mini-Trial ..	325
<b>SUMMARY JURY TRIAL FORMS .....</b>		<b>327</b>
Form 24	Joint Motion and Agreement of Parties for a Summary Jury Trial Pursuant to ADR Rule 5 .....	327

## APPENDICES

Appendix A.	Uniform Mediation Act .....	331
Appendix B.	Varieties of Dispute Processing by Frank E.A. Sander .....	413

### Table of Laws and Rules

### Table of Cases

### Index