

Indiana Association of Mediators

Advancing the Practice of Mediation in Indiana

Save these dates - Friday & Saturday, September 18 & 19, 2009 - IAM's 2009 Conference - details to follow soon! The next meeting of the IAM Board will be on April 28th. Contact Mary Hoeller (from the IAM website) if you wish to participate.

Welcome to our newest members - Terry Eads (Bloomington), Tammi Miller (Muncie), Natalie Overshiner (Indianapolis), and to returning members Sarah Carter (Bloomington), Todd Etzler (Valparaiso), and the Honorable Warren Haas (Superior Court 3, Grant County - Marion).



21 New DR Mediators Trained by Janet Mitchell

At a recent training class held at the offices of the Indiana Chapter of the NASW, trainer and IAM member **Janet Mitchell** certified 21 new mediators in Domestic Relations mediation. The class included 7 IAM members: **Jayne Barstow, Terry Eads, Doug Jeschke, Tammi Miller, Pete Morgan, Natalie Overshiner, and Kim Van Valer**. Three IAM members and past-presidents (**Bill Kuntz, Marvin Pavlov, & Rick Wacker**) served as role play coaches for the participants.

IAM Website Redesigned!

If you haven't been to the IAM website (www.mediation-indiana.org) recently, check it out! Not only has it been updated with information that will be helpful to your practice, it has been completely redesigned from the ground up to take advantage of technology that wasn't around when it was first launched over 15 years ago. Our web guru, Eric Wacker (son of Treasurer & Membership Coordinator Rick Wacker) used CSS 2.0 and XHTML 1.0 to give it a modern "look and feel" that is much more appealing and user-friendly. The FAQ page is completely new and one member has already linked their site to it to provide additional content on their site. The Find A Mediator page has also been redone to make the member's names look like business cards. In a Google search of "Indiana mediators", our website comes up in second place, after the IN Supreme Court's Directory of Mediators! If you're not already an IAM member and wish to join, visit the "Membership" page on the website. Download the membership application and send it to the address on the form.

April, 2009

Indiana Supreme Court Considers Changes to ADR Rules

The Indiana Supreme Court has requested comments from the public, attorneys, mediators and judges as it considers 2 proposed amendments to the ADR Rules. These include the following:

- An amendment to Rule 2.7, adding section (F) that would permit a non-lawyer mediator to complete certain documents, including a written mediated settlement agreement, an order approving a mediated agreement, a summary decree of dissolution which reflects the terms of the mediated agreement, a verified waiver of final hearing, a child support calculation (including a child support worksheet, a parenting time worksheet and a post-secondary education obligation worksheet pursuant to the Guidelines) provided the parties are in agreement on all of the included entries, and an income withholding order, provided it reflects the terms of the mediated agreements. All documents (except the mediated agreement) would contain the caption of the case and must be in a form adopted by the Court or accepted by the Court in which the document is to be filed. Preparation of these forms would, under the Rule amendment, not be considered to be the unauthorized practice of law.
- Adding a new Rule (2.12) to permit a mediator to provide legal information, but not legal advice to the parties, without violating the rules governing the unauthorized practice of law. Under this proposed Rule, the mediator may discuss legal issues with the parties, whether or not the parties are represented. The mediator shall inform the parties that the mediator (1) is not providing legal advice, (2) does not represent either party, (3) does not know how the court would apply the law or rule in the parties' case or what the outcome would be if the dispute were to go before the court, and (4) is recommending that the parties seek or consult with their own legal counsel if they desire or believe that they need legal advice. Further, a mediator shall not advise a party (1) what that party should do in the specific case, or (2) whether a party should make or accept an offer. Legal information may include (1) applicable definitions and legal standards, with specific reference or citations to Federal or Indiana law, including applicable statutes, case law, rules and guidelines; (2) the enforceability of agreements and the potential consequences of agreeing to unenforceable provisions (i.e. automatic modification of child custody without judicial review), with specific reference or citation to Federal or Indiana law, including applicable statutes, case law, rules and guidelines; or (3) applicable legal standards, including potential consequences, for conduct at issue between the parties (i.e. failure to follow the terms of an agreed order), with specific reference or citation to Federal or Indiana law, including applicable statutes, case law, rules and guidelines.

Additional details may be found at courts.IN.gov/rules/proposed. The proposals are being reviewed by the nine-member Committee on Rules of Practice and Procedure, which has not taken a position on the proposed Rule changes. Comments are being requested before a recommendation is made to the Supreme Court. Comments may be provided in writing or by e-mail until the deadline date of June 7, 2009. Send your comments to localrulescomments@courts.state.in.us.

Have a funny mediation story? Want to share an announcement about your practice, speaking engagement, a good book on mediation or other item of interest? Have you run into a situation you weren't sure how to handle? Your item can be distributed to the membership and insights shared! Contact Rick Wacker at rawacker@iquest.net.

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