

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

**IN RE: ADR COMMISSION'S PETITION FOR THE ADOPTION
OF AMENDED TENN. SUP. CT. RULE 31**

No. M2010-02492-SC-RL1-RL- Filed: March 10, 2011

ORDER

On December 6, 2010, the Alternative Dispute Resolution Commission filed a petition asking the Court to amend Sections 2(n), 3(a) and 5(c) of Rule 31, Rules of the Tennessee Supreme Court. The Court published the Commission's proposed amendments and solicited written comments from the bench, the bar, and the public. The deadline for submitting comments concerning the proposed amendments was Tuesday, February 15, 2011. A written comment was received from the Tennessee Bar Association.

The Court hereby amends Rule 31, Rules of the Supreme Court of Tennessee, as set out in the attached Appendix. These amendments to Tenn. Sup. Ct. R. 31 shall take effect on April 1, 2011.

The Clerk shall provide a copy of this order, including the attached Appendix, to LexisNexis and to Thomson Reuters. In addition, this order, including the attached Appendix, shall be posted on the Tennessee Supreme Court's website.

IT IS SO ORDERED.

PER CURIAM

APPENDIX

***Amendments to Tenn. Sup. Ct. R. 31
(effective April 1, 2011)***

[Amend Rule 31, Section 2 (“Definitions”), paragraph (n) (“Rule 31 ADR Proceedings”) to read as follows:]

(n) “Rule 31 ADR Proceedings” are proceedings initiated by the court pursuant to this Rule, including “Case Evaluations,” “Mediations,” “Judicial Settlement Conferences,” “Non-Binding Arbitrations,” “Summary Jury Trials,” “Mini-Trials,” or other similar proceedings. In the context of mediations, a “Rule 31 ADR Proceeding” is any mediation of an Eligible Civil Action conducted by a Rule 31 Mediator.

[Amend Rule 31, Section 3 (“Initiation/Order of Reference”), paragraph (a) to read as follows:]

(a) Rule 31 ADR Proceedings may be initiated by the entry of an Order of Reference.

[Amend Rule 31, Section 5 (“Reports”) to read as follows:]

(a) The Order of Reference shall require the Rule 31 Neutral to file a final report pursuant to Rule 5.06, Tenn. R. Civ. P., with the court at the conclusion of the Rule 31 ADR Proceeding. The final report shall state only: (i) which parties appeared and participated in the Rule 31 ADR Proceeding; (ii) whether the case was completely or partially settled; and (iii) whether the Rule 31 Neutral requests that the costs of the Neutral's services be charged as court costs. The report shall be filed within the time specified by the court in the Order of Reference. In the event the Order of Reference does not

specify a deadline, the final report shall be filed within 60 days of the initial meeting with the parties.

(b) Unless otherwise directed by the Order of Reference, the Rule 31 Neutral shall file status reports with the court every 30 days until the Rule 31 ADR Proceeding is concluded.

(c) For an Eligible Civil Action mediated by a Rule 31 Mediator, a final report shall be filed in the manner described within this Section.

(end of Appendix)