

**JOINT ADR COMMITTEE**  
**Minutes**  
**June 29, 2011**  
**By telephone conference call**

Committee members present: Chair Robert Udland; Judge Steve Marquart; Kristine Paronica; Sarah Bernhardt; Senator Tom Fischer;

Also present: Cathy Ferderer, Director of the Supreme Court's Family Law Mediation Pilot Projects; Sally Holewa, State Court Administrator; SBAND staff Bill Neumann

Chair Udland called the meeting to order at 12:33 pm, and asked the Committee to consider the minutes of the June 10, 2011, meeting.

Judge Marquart/K. Paronica—Motion to approve the minutes of the June 10, 2011, meeting. Carried.

The Chair asked the Committee to consider the application for family law mediation training credits submitted by Ms. Susan Ellison. Several members expressed the opinion that training for empathetic and compassionate listening would qualify for family law mediation training credit under North Dakota Rule of Court 8.9(b)(2)(B), "mediation skills and techniques."

Judge Marquart/K. Paronica—Motion to approve the training program submitted by Ms. Ellison for credit for family law mediation training. Carried.

B. Neumann reported SBAND's Board of Governors asked the North Dakota Defense Lawyers Association and the North Dakota Association of Justice to poll their members regarding court-ordered mediation, and advise the Bar Association of the results.

The Chair asked Cathy Ferderer to update the Committee regarding the work of the Appellate Mediation Subcommittee. The Committee discussed the pros and cons of mandating appellate mediation on the request of one party, versus providing appellate mediation only when both parties agree to it.

Judge Marquart/Senator Fischer—Motion asking Ms. Ferderer to rework the language of the proposed Appellate Rule 5 and appellate mediation protocol to clarify that appellate mediation will be mandatory upon the request of one party, unless good cause is shown why the case is not appropriate for mediation. Carried.

The meeting was adjourned at 12:03 pm.

Respectfully submitted,

William A. Neumann, SBAND staff