

**JOINT ADR COMMITTEE**  
**Minutes**  
**February 27, 2009**  
**SBAND Office**

Committee members present: Chair Joanne Ottmar (by phone); Kristine Paranica (by phone); Judge Steve Marquart (by phone); Robert J. Schulz (by phone); Janet Merrill; Carey Goetz

Also present: Cathy Ferderer; SBAND staff Bill Neumann

Chair Joanne Ottmar called the meeting to order at 11:04 am.

The Chair asked the committee to consider the minutes of the December 16, 2008 meeting.

S. Marquart/R. Schulz—Motion to approve the minutes of the Committee's last meeting. Motion carried.

The Chair directed the committee's attention to the proposed Code of Mediation Ethics, the proposed Code of Ethics Enforcement Procedure, and the response of the Board of Governors of the State Bar Association, including the Board's suggestion for an additional comment addressing the lawyer-mediator's responsibility regarding conflicts, as expressed in Rules 1.7 and 1.12 of the North Dakota Rules of Professional Conduct.

J. Merrill/C. Goetz—Motion to adopt the proposed additional comment as circulated to the committee. Motion carried

R. Schulz/S. Marquart—Motion to forward the proposed rules, with the additional comment, to the Supreme Court. Motion carried.

At the Chair's request the committee discussed areas of future work the committee should address, and identified the following items:

1. The problem of converting agreements mediated by unrepresented parties into court orders.

2. The possibility of introducing court-ordered mandatory mediation in North Dakota.
3. Development of a plan for state-wide application of ADR in other branches of the state's government.

The meeting adjourned at 11:22 am.

Respectfully submitted,

William A. Neumann, SBAND staff