

**COMBINED MEETING OF THE  
JOINT ADR COMMITTEE  
&  
FAMILY LAW MEDIATION SUBCOMMITTEE  
Minutes  
September 14, 2010  
Jamestown, North Dakota**

Committee and Subcommittee members present: Chair Joanne Ottmar; Judge Steve Marquart; Bob Udland; Scott Porsborg; Kristine Paranica;

Also present: Cathy Ferderer, Director of the Supreme Court's Family Law Mediation Pilot Projects; Carolyn Woolf, Court Administrator, Unit 4; SBAND staff Bill Neumann

Chair Joanne Ottmar called the meeting to order at 1:11 pm.

Judge Marquart/S. Porsborg—Motion to approve the minutes of the June 29, 2010, meeting. Carried.

K. Paranica reported regarding the work of the Family Law Mediation Subcommittee in implementing the Supreme Court's Family Law Mediation Pilot Projects. C. Ferderer reported the Family Law Mediation Program is being expanded throughout the state. The group suggested there may no longer be a current need for a Family Law Mediation Subcommittee, but it was strongly recommended that if the subcommittee were to be ended, the Joint Committee must have in its membership a family law practitioner and a family law mediator.

C. Ferderer reported the Family Law Mediation Program is working on developing best practices to address domestic violence in family law mediation. She was uncertain at this point who might be included in a best practices committee, but suggested it would likely include people from domestic violence services in North Dakota, and perhaps some members of the Joint ADR Committee.

Judge Marquart/S. Porsborg—Motion to disband the Family Law Mediation Subcommittee, and to thank the subcommittee members for all their hard work in developing the necessary protocol, procedures and rule changes for the Court's Family Law Mediation Program.

Carolyn Woolf, Unit 4 Trial Court Administrator, reported a volunteer has contacted her to offer her services to mediate small claims cases. The group discussed the offer, and suggested ways Ms. Woolf might establish a small claims mediation pilot project in Administrative Unit 4.

The group then held an open discussion on a variety of matters the Joint ADR Committee might want to address in 2011. The group discussed early neutral evaluation, appellate mediation, victim/offender mediation in criminal cases, court-ordered mediation, and small claims mediation.

C. Ferderer volunteered to research appellate mediation programs in other jurisdictions. K. Paranica and J. Ottmar offered to help.

Chair Ottmar appointed a subcommittee of Judges Marquart, Weir and Christofferson to study whether it might be helpful to amend North Dakota's rules to authorize court-ordered mediation in some cases.

The group agreed to take no action on small claims mediation, pending a report on the experience from Administrative Unit 4.

The group agreed to defer consideration of victim/offender mediation in criminal cases.

A conference call meeting will be scheduled for December.

The meeting adjourned at 4:02 pm.

Respectfully submitted,

William A. Neumann, SBAND staff