

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

**IN RE: PROPOSED AMENDED RULE 31,
RULES OF THE TENNESSEE SUPREME COURT**

M2007-01253-SC-RL2-RL - Filed: June 11, 2007

ORDER

Rule 31 of the Rules of the Supreme Court, as filed on January 2, 2007, substantially revised the then-existing Rule 31 based on a proposal submitted to the Court by the Alternative Dispute Resolution Commission. It has come to the Court's attention that the Rule should be amended to address the review process for complaints against non-attorney Rule 31 mediators. Accordingly, the Court hereby amends section 11 of Rule 31 to include this type of review. The proposed amendment is attached hereto as Exhibit A.

In the interest of providing prompt and fair consideration of the proposed amended Rule 31, the Court hereby solicits written comments on the proposed amended Rule from the bench, the bar, and the public. The deadline for submitting written comments is Monday, July 9, 2007. Written comments should be addressed to:

Michael W. Catalano, Clerk
Re: Proposed Amended Rule 31, Section 11
100 Supreme Court Building
401 Seventh Avenue North
Nashville, TN 37219-1407

The Clerk shall provide a copy of this order to the Tennessee Bar Association, to the media, and to the Alternative Dispute Resolution Commission. In addition, this order and the proposed amended Rule 31 shall be posted on the Tennessee Supreme Court's website.

It is so ORDERED.

PER CURIAM

Exhibit A

Rule 31. Alternative Dispute Resolution.

The following amended section 11 of Rule 31 replaces the existing section 11 in its entirety:

Section 11. Proceedings for Discipline of Rule 31 Mediators.

(a) Any grievance against a Rule 31 Mediator who is not an attorney regarding the failure of the Rule 31 Mediator to comply with the provisions of this Rule or any standard promulgated under this Rule shall be filed with the ADRC.

(b) Any grievance against a Rule 31 Mediator who is an attorney regarding the failure of the Rule 31 Mediator to comply with the provisions of Rule 31 or any standard promulgated under Rule 31 shall be filed with the Board of Professional Responsibility and determined in accordance with procedures adopted by that board.

(c) Any grievance against a non-attorney Rule 31 Mediator will be reviewed in the first instance by a Grievance Committee of three Commissioners, appointed by the Chair and, where possible, from the Grand Division in which the alleged act, or failure to act, giving rise to the grievance took place.

(d) The Grievance Committee shall determine whether the allegations contained in the complaint, if true, would constitute a violation of Rule 31. If the Grievance Committee finds that the complaint would not constitute a violation of Rule 31, the committee shall dismiss the complaint without prejudice. If the Grievance Committee determines that the allegations, if true would constitute a violation of Rule 31, the Grievance Committee shall hear and determine the grievance and provide a written ruling stating whether there is cause for the grievance. If the Grievance Committee finds that there is cause for the grievance, it shall impose an appropriate sanction upon the Rule 31 Mediator, including private admonishment, public reprimand, suspension, or disqualification.

(e) A party who wishes to obtain a review of the decision of the Grievance Committee may appeal to the full ADRC by filing a written notice of appeal with the ADRC, through the AOC Programs Manager, within 30 days following the Grievance Committee's decision.

(f) The ADRC will then hear the grievance de novo sitting without those members who served on the original Grievance Committee.

(g) The ADRC will hear and determine the grievance and provide a written ruling stating whether there is cause for the grievance. If the ADRC finds that there is cause for the grievance, it shall impose an appropriate sanction upon the Rule 31 Mediator, including private admonishment, public reprimand, suspension, or disqualification. The decision of the ADRC is final.