



**State Court Administrator's Office
ADR Program**

**GUIDELINES FOR TRAINER QUALIFICATIONS
AND TRAINING REQUIREMENTS
RULE 114 QUALIFIED NEUTRALS
Effective Date: January 1, 2023**

To qualify as a certified training program, trainers must meet certain requirements as set forth in Rule 114.12, subd. (1) of the Minnesota General Rules of Practice and the course material must meet specific requirements as set forth in Rule 114.12 subd. 4. This new requirement is effective January 1, 2023. To be listed on the Minnesota Alternative Dispute Resolution (ADR) Rule 114 Rosters and be recognized as a Qualified Neutral, an applicant must meet the training requirements and applicable experience criteria set forth in these guidelines.

1. Trainer Qualifications

- a. To qualify as a trainer, one or more trainers must have taken a training as set forth in Rule 114.12 subd. 4(1) of the Minnesota General Rules of Practice or equivalent training on the same topic before teaching it.
- b. Trainers must be a Qualified Neutral providing ADR services in Minnesota. If a trainer is from out of state, not on the roster, the Minnesota ADR rules/law topics required, including the Code of Ethics for Court-Annexed ADR Neutrals, must be taught by a local expert who is on the roster.
- c. Trainers must be able to demonstrate 5 years of experience as a Neutral in the ADR process being taught and as a trainer using role play/ experiential learning format.

2. Training Requirements

Trainers are expected to inform individuals taking their trainings of the new requirement that individuals must submit roster applications within one year of completing a certified training. This new requirement takes effect January 1, 2023. **TRAINERS MAKE SURE YOU ARE AWARE OF THIS! Individuals who completed trainings years ago but have not submitted an application for inclusion on the Rule 114 roster will no longer qualify after January 1, 2023. See the Announcement on the Minnesota Judicial Branch webpage, ADR Topic.**

a. Definitions

- i. “Classroom training” includes both interactive training conducted in person and interactive training conducted through virtual means. Classroom training also includes a “ride-along”.
- ii. “Experiential learning” includes, but is not limited to, a “ride-along”.
- iii. “Ride-along” means observation of a real-life ADR process conducted by a Qualified Neutral. With consent of the parties and under the supervision of the certified Qualified Neutral, the ride-along may also include participation in the ADR process.

b. Civil Facilitative/Hybrid Neutrals Roster: To be placed on the Civil Facilitative/Hybrid Neutrals Roster, that includes a mediation component, an applicant must have received a minimum of 15 hours of certified lectures and a minimum of 15 hours of experiential learning. The 30 hours of training must include all the topics enumerated in Rule 114.12 subd. 4(a). Neutrals qualified on this roster may provide the following ADR services:

- i. Mediation (civil)
- ii. Mini-Trial
- iii. Mediation-Arbitration (Med-Arb)
- iv. Arbitration-Mediation (Arb-Med)

c. Civil Adjudicative/Evaluative Neutrals Roster: To be placed on the Civil Adjudicative/Evaluative Neutrals Roster an applicant must have received a minimum of 6 hours of certified classroom training on the topics enumerated in Rule 114.12 subd. 4(b). Neutrals qualified on this roster may provide the following ADR services:

- i. Arbitration
- ii. Consensual Special Magistrate (CSM)
- iii. Summary Jury Trial
- iv. Early Neutral Evaluation (ENE)
- v. Non-binding Advisory Opinion
- vi. Neutral Fact Finding

d. Family Law Facilitative/Hybrid Neutrals Roster: To be placed on the Family Law Facilitative/Hybrid Neutrals Roster, that includes a mediation component, an applicant must have completed a minimum of 40 hours of certified class training, with an emphasis on experiential learning. The 40 hours of certified training must include all the topics enumerated in Rule 114.12 subd. 4(c). This training shall consist of at least 40% role-playing and simulations. Neutrals qualified on this roster may provide the following ADR services:

- i. Mediation (Family Law related matters)
 - ii. Mediation-Arbitration (Med-Arb)
 - iii. Arbitration-Mediation (Arb-Med)
- e. Family Law Hybrid Neutrals Roster– Parenting Time Expeditor: To be placed on the Family Law Hybrid Neutrals Roster– Parenting Time Expeditor an applicant must be qualified as a Family Facilitative/ Hybrid Neutral under Rule 114.12 subd. 4(c) and must have completed a minimum of 12 hours of certified training, including at least 40% experiential learning on the topics enumerated in Rule 114.12 subd. 4(d). An applicant must have at least 5 years of experience working with high conflict couples in family law and be recognized as a qualified practitioner.

Neutrals qualified on this roster may provide the following ADR services:

- i. Parenting Time Expediting
 - ii. Mediation (Family Law related matters)
 - iii. Mediation-Arbitration (Med-Arb)
 - iv. Arbitration-Mediation (Arb-Med)
- f. Family Law Hybrid Neutrals Roster– Parenting Consultant: To be placed on the Family Law Hybrid Neutrals Roster– Parenting Consultant an applicant must be qualified as a Family Facilitative/Hybrid Neutral under Rule 114.12 subd. 4(c) and must have completed a minimum of 18 hours of certified training, including at least 40% experiential learning on the topics enumerated in Rule 114.12 subd. 4(e)(2). An applicant must have at least 5 years of experience working with high conflict couples in family law and be recognized as a qualified practitioner in their field.

Neutrals qualified on this roster may provide the following ADR services:

- i. Parenting Consulting
 - ii. Mediation (Family Law related matters)
 - iii. Mediation-Arbitration (Med-Arb)
 - iv. Arbitration-Mediation (Arb-Med)
- g. Family Law Evaluative/Hybrid Neutrals Roster– SENE: To be placed on the Family Law Evaluative/Hybrid Neutrals Roster – Social Early Neutral Evaluation (SENE) an applicant must be qualified as a Family Law Facilitative/Hybrid neutral under Rule 114.12 subd. 4(c) and must have completed a minimum of 12 hours of certified training, including at least 40% experiential learning on the topics enumerated in Rule 114.12 subd. 4(f)(2) and must have observed two SENEs. An applicant must have 5 years of experience as a family law attorney, mental health professional dealing with divorce-related matters, or as another professional working in the area of family law and be recognized as a qualified practitioner in their field.

Neutrals qualified on this roster may provide the following ADR services:

- i. Social Early Neutral Evaluation (SENE)
 - ii. Mediation (Family Law related matter)
 - iii. Mediation-Arbitration (Med-Arb)
 - iv. Arbitration-Mediation (Arb-Med)
- h. Family Law Evaluative/Hybrid Neutrals Roster– FENE: To be placed on the Family Law Evaluative/Hybrid Neutrals Roster – Financial Early Neutral Evaluation (FENE) an applicant must be qualified as a Family Law Facilitative/Hybrid neutral under Rule 114.12 subd. 4(c) and must have completed a minimum of 12 hours of certified SENE training and 5 hours of certified FENE training, including at least 40% experiential learning on the topics enumerated in Rule 114.12 subd. 4(g)(2) and must have observed two FENEs. An applicant must have 5 years of experience as a family law attorney, as an accountant dealing with divorce-related matters, or as another professional working in the area of family law and be recognized as a qualified practitioner in their field.

Neutrals qualified on this roster may provide the following ADR services:

- i. Financial Early Neutral Evaluation (FENE)
 - ii. Social Early Neutral Evaluation (SENE)
 - iii. Mediation (Family Law related matters)
 - iv. Mediation-Arbitration (Med-Arb)
 - v. Arbitration-Mediation (Arb-Med)
- i. Family Law Evaluative/Hybrid Neutrals Roster– MSC: To be placed on the Family Law Evaluative/Hybrid Neutrals Roster – Moderated Settlement Conference (MSC) an applicant must have completed a minimum of 4 hours of certified MSC training, including at least 40% experiential learning on the topics enumerated in Rule 114.12 subd. 4(h)(2) and must have observed one MSC. An applicant already qualified on either the Family Law Evaluative/Hybrid Roster - SENE or FENE may alternatively satisfy the training requirement for the MSC roster by either (a) observing one MSC or (b) completing a one-hour classroom training covering the subject matter listed under Rule 114.12 subd. 4(h)(2). To be qualified on this roster, an applicant must be recognized as a qualified practitioner in their field.

Neutrals qualified on this roster may provide the following ADR services:

- i. Moderated Settlement Conference (MSC)
- ii. Mediation (Family Law related matters)
- iii. Mediation-Arbitration (Med-Arb)
- iv. Arbitration-Mediation (Arb-Med)

- j. Family Law Adjudicative Neutrals Roster: To be placed on the Family Law Adjudicative Neutrals Roster an applicant must have completed a minimum of 6 hours of certified training on the topics enumerated in Rule 114.12 subd. 4(i)(2). In addition to the training, all applicants must have completed a minimum of 6 hours of certified training in domestic abuse issues as specified in Rule 114.12 subd. 4 (i)(2). To be qualified under this roster, an applicant must have at least 5 years of professional experience in family law and be recognized as a qualified practitioner in their field.

Neutrals qualified on this roster may provide the following ADR services:

- i. Arbitration
- ii. Summary Jury Trial
- iii. Consensual Special Magistrate

1. Continuing Education

- a. Continuing education courses do not have to be certified, unlike the courses required to meet the training requirements to be placed on the roster(s), but continuing education courses must be related to ADR processes in order for Qualified Neutrals to receive credit. Trainers may submit petitions for certification as a means to provide assurances to attendees that the course meets the continuing education requirements and for the ADR Program to have knowledge of what courses are being offered and by whom. The ADR Program keeps a list of certified trainings and certified continuing education courses.
- b. To qualify for Continuing Education (CE) credit, a training shall have significant, current intellectual or practical content and shall consist of an organized program of learning directly related to the practice of ADR, ADR skills, the professional responsibility or ethical obligations of neutrals, or the elimination of bias in neutral work.
- c. Continuing Education courses shall be conducted by an individual or group qualified by practical or academic experience to teach, lecture, make presentations, or develop courses. A course must be at least one hour in length.
- d. An in-person training shall be presented and attended in a suitable classroom setting. A training presented via video recording, simultaneous broadcast, teleconference, or audiotape, or available on-demand or by podcast, may be approved provided that it complies with the above rules. No training will be approved which involves solely correspondence work or self-study.