



MINNESOTA SUPREME COURT

Alternative Dispute Resolution Program

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**GUIDELINES FOR *SPONSOR'S PETITION*  
ALTERNATIVE DISPUTE RESOLUTION - RULE 114  
TRAINING COURSE CERTIFICATION**

**CIVIL (NON-FAMILY) NEUTRALS**

**Legal Counsel Division**

Alternative Dispute Resolution Program  
135 Minnesota Judicial Center  
25 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, Minnesota 55155-1500  
(651) 297-7590

Under the Minnesota Rules of General Practice only those individuals who meet the training requirements in Rule 114.13 shall be listed on the roster of qualified neutrals. The Legal Counsel Division certifies training programs which meet the training criteria. Any sponsor (agency, organization, or person) who provides training may seek course certification. A list of certified training programs is kept by LCD.

### **APPLICATION REQUIREMENTS**

1. Application for course approval shall be submitted on petition forms available from LCD. The petitions must be received *at least* 30 days prior to the scheduled training date(s).
2. Course certification is based on Rule 114.13 of the Rules of General Practice.
3. The number of hours certified will be based on each contact hour of training. A contact hour shall consist of no less than a sixty minute class session. The number of hours certified will not include time spent on meals, breaks, homework assignments, or unrelated activities.
4. Training for mediation, med-arb, and mini-trial services must emphasize *experiential learning* with a minimum of fifteen (15) hours of role-playing.
5. Certification will not be granted for courses consisting solely of television viewing, correspondence work, or self-study. Video, motion picture, or sound tape presentations will not be certified unless a qualified instructor is present to discuss the content and answer questions.

### **FACULTY REQUIREMENTS**

1. Instructors shall possess professionally recognized training and experience in the assigned subject area.
2. Instructors shall be familiar with the alternative dispute resolution methods and all laws and rules pertaining to any of these methods.
3. Instructors shall provide a suitable learning environment and assist students and answer questions related to the course.

### **COORDINATOR REQUIREMENTS**

1. The sponsor shall designate a **coordinator** who is responsible for supervising the course and assuring compliance with the statutes and rules governing alternative dispute resolution methods.
2. The coordinator shall notify LCD of the date and location of each subsequent presentation of a certified course. Any change in faculty or course content must also be noted.

## **FACILITIES**

1. Courses shall be conducted in a comfortable classroom or other facility which provides space and equipment appropriate for the learning activities.

## **ADVERTISING**

1. Courses must be certified in writing by LCD in order to be advertised as *certified alternative dispute resolution training*.
2. A sponsor may make a written request to use the term "certification pending", if a petition for certification has been made to LCD. Permission must be granted by LCD to use "certification pending".
3. When a sponsor receives written notice from LCD of certification, advertising may include the statement, "This course has been certified for ( ) hours of alternative dispute resolution training by the Legal Counsel Division."
4. Advertising must be truthful, clear, and not deceptive or misleading.

## **FAILURE TO COMPLY**

1. Failure to comply with these guidelines will result in loss of certification of the course until full compliance with all requirements has been met.

05/01/02

SPONSOR'S PETITION  
**ALTERNATIVE DISPUTE RESOLUTION - RULE 114**  
CIVIL (NON-FAMILY) NEUTRALS  
TRAINING COURSE CERTIFICATION

**COURSE INFORMATION**

Course Title: \_\_\_\_\_

Date(s): \_\_\_\_\_

Location: \_\_\_\_\_

Sponsor: \_\_\_\_\_

Coordinator: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

I agree to receive a signed, scanned, copy of the approval.

**FOCUS OF THE COURSE**

Course will fulfill Rule 114 requirements for:

Civil Facilitative/Hybrid

Civil Adjudicative/Evaluative

**TRAINING FOR CIVIL FACILITATIVE/HYBRID**

(Mediation, Mediation-Arbitration, Mini-Trial Processes)

1. Indicate *by name* the segments of the course agenda that deal with each of the following topics.
  - a) Conflict resolution and mediation theory, including causes of conflict and interest-based versus positional bargaining and models of conflict resolution.
  
  - b) Mediation skills and techniques, including information gathering skills, communication skills, problem solving skills, interaction skills, conflict management skills, negotiation techniques, caucusing, cultural and gender issues and power balancing.
  
  - c) Components in the mediation process, including an introduction to the mediation process, fact gathering, interest identification, option building, problem solving, agreement building, decision making, closure, drafting agreements, and evaluation of the mediation process.
  
  - d) Mediator conduct, including conflicts of interest, confidentiality, neutrality, ethics, standards of practice and mediator introduction pursuant to the Civil Mediation Act, Minn. Stat. § 572.31 and the Rule 114 Code of Ethics (Gen. Rules of Prac 114 Appendix).
  
  - e) Rules, statutes and practices governing mediation in the trial court system, including these rules, Special Rules of Court, and applicable statutes, including the Civil Mediation Act.
  
2. \_\_\_\_\_ Total number of instruction hours (60 minutes of instruction - 1 credit hour)
3. \_\_\_\_\_ Number of hours of lecture (15 hour maximum)
4. \_\_\_\_\_ Number of hours of role-playing (15 hour minimum)

**TRAINING FOR CIVIL ADJUDICATIVE/EVALUATIVE**

(Arbitration, Summary Jury Trial, Early Neutral Evaluation, Moderated Settlement Conference, Consensual Special Magistrate Processes)

1. Indicate *by name* the segments of the course agenda that deal with each of the following topics.

a) Pre-hearing communications between parties and between parties and neutral.

b) Components of the hearing process including evidence; presentation of the case; witness, exhibits, and objectives; awards; and dismissals.

c) Settlement techniques.

d) Rules, statutes, and practices covering arbitration in the trial court system, including Supreme Court Alternative Dispute Resolution Rules, special rules of court and applicable state and federal statutes.

e) Management of presentations made during early neutral evaluation procedures and moderated settlement conferences.

2. \_\_\_\_\_ Total number of instruction hours (60 minutes of instruction - 1 credit hour)

**FACULTY/SPEAKERS**

Please provide: (1) name, (2) title, (3) area of expertise for this course, and (4) applicable experience. Attach supplemental sheet(s) if necessary.

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

**COURSE OUTLINE**

Include a course agenda/brochure with this completed form. A course agenda should indicate the time allocations and subject matter of each segment of the course.

**EVALUATION FORMS**

\_\_\_ Participant critique submitted at end of session

\_\_\_ Survey to be sent out after program

\_\_\_ Other (specify): \_\_\_\_\_

**COURSE MATERIALS**

Submit copies of all course materials to be provided to participants (including evaluation forms).

\_\_\_\_\_  
*Petitioner's Signature*

\_\_\_\_\_  
*Date*

**DIRECTIONS:** Complete this form and send it with supporting materials to:

**Legal Counsel Division**  
Alternative Dispute Resolution Program  
135 Minnesota Judicial Center  
25 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, Minnesota 55155-1500

This form will be returned to applicant after LCD review.  
The following section will be completed to indicate whether the course is certified.

**DO NOT WRITE BELOW THIS LINE - FOR USE BY LCD**

\_\_\_\_\_ Approved for credit hours of training for:

\_\_\_\_\_ CIVIL FACILITATIVE/HYBRID  
# of hours (Mediation, Mediation-Arbitration, and Mini-Trial Processes)

\_\_\_\_\_ CIVIL ADJUDICATIVE/EVALUATIVE  
# of hours (Arbitration, Summary Jury Trial, Early Neutral Evaluation, Moderated Settlement Conference, and Consensual Special Magistrate Processes)

\_\_\_\_\_ Not approved for the following reason(s): \_\_\_\_\_

\_\_\_\_\_  
*Renee Salmon, Legal Counsel Division*  
*Alternative Dispute Resolution Program*

\_\_\_\_\_  
*Date*