

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

**IN RE: AMENDMENT TO RULE 31, SECTION 17(h) and (i),  
RULES OF THE TENNESSEE SUPREME COURT**

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**ORDER**

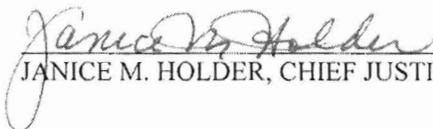
Tenn. Sup. Ct. R. 31 established the Alternative Dispute Resolution Commission ("ADR Commission") and governs the alternative dispute resolution proceedings specified in the rule. The ADR Commission proposes amending Tenn. Sup. Ct. R. 31, § 17(h), and adding a new § 17(i), to provide that court clerks and part-time judicial officers may, in certain circumstances, apply to be listed as Rule 31 Mediators. The ADR Commission's proposed amendments are set out in Appendix A.

The Court hereby publishes the proposed amendments for public comment and solicits written comments from judges, lawyers, bar organizations, members of the public, and any other interested parties. The deadline for submitting written comments is Monday, March 2, 2009. Written comments should be addressed to:

Michael W. Catalano, Clerk  
100 Supreme Court Building  
401 Seventh Avenue North  
Nashville, TN 37219-1407

The Clerk shall provide a copy of this order, including Appendix A, to LexisNexis and to Thomson-West. In addition, this order, including Appendix A, shall be posted on the Tennessee Supreme Court's website.

FOR THE COURT:

  
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JANICE M. HOLDER, CHIEF JUSTICE



APPENDIX A

ADR COMMISSION'S PROPOSED AMENDMENTS TO  
TENN. SUP. CT. R. 31, § 17(h) AND NEW § 17(i)

[Amend Tenn. Sup. Ct. R. 31, § 17(h) to read:]

**(h) Application By Retiring or Resigning Judge or Court Clerk for Listing as Rule 31 Mediator.**

A sitting judge or sitting court clerk whose retirement or resignation is pending may apply to be listed as a Rule 31 Mediator. For purposes of this Rule, a sitting judge includes a ~~part-time~~ full-time referee, full-time judge, or senior judge. For purposes of this Rule, a sitting court clerk includes a clerk and master, circuit court clerk, criminal court clerk, juvenile court clerk, or general sessions court clerk. Upon the ADRC's determination that the judge- or clerk-applicant meets the qualifications and training requirements set forth in this Rule, the Commission shall notify the judge- or clerk-applicant in writing that the requirements for being listed have been met. The Commission shall not list the judge- or clerk-applicant as a Rule 31 Mediator until the effective date of the judge- or clerk-applicant's retirement or resignation, at which time the judge- or clerk-applicant may request in writing to be listed by the Commission as a Rule 31 Mediator. The Commission shall then place the judge- or clerk-applicant on the list of Rule 31 Mediators. This provision does not affect the status of any judge who has been granted inactive status as a Rule 31 Mediator prior to the adoption of this provision.

[Amend Tenn. Sup. Ct. R. 31 by adding the following new § 17(i):]

**(i) Listing of Part-time Judicial Officers.** Part-time judicial officers designated below may be listed as active Rule 31 mediators, subject to the following limitations, if they otherwise meet the requirements of this rule: **For purposes of this provision, "part-time judicial officer" means a judicial officer who serves by election or continuing appointment in a judicial office created as a part-time position.**

(1) Part-time Municipal Judge. A part-time municipal judge listed as a Rule 31 mediator shall not conduct a mediation in any proceeding in which the mediator has served as judge or in any other proceeding related thereto.

(2) Part-time Juvenile Referee. A part-time juvenile referee listed as a Rule 31 mediator shall not conduct a mediation in: (A) any proceeding in which the mediator has served as judge or in any other proceeding related thereto; or (B) in any proceeding in which a party was or is involved in a case in any manner before the referee.

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(3) Part-time Divorce Referee. A part-time divorce referee listed as a Rule 31 mediator shall not conduct a mediation in: (A) any proceeding in which the mediator has served as judge or in any other proceeding related thereto; or (B) in any proceeding in which a party was or is involved in a case pending in any manner before the referee.

(4) Part-time Referee. A part-time referee listed as a Rule 31 mediator shall not conduct a mediation in: (A) any proceeding in which the mediator has served as judge or in any other proceeding related thereto; or (B) in any proceeding in which a party was or is involved in a case in any manner before the referee.

(5) Part-time General Sessions Judge. A part-time general sessions judge listed as a Rule 31 mediator shall not conduct a mediation in any proceeding in which the mediator has served as judge or in any other proceeding related thereto.

(6) Part-time Juvenile Judge. A part-time juvenile judge listed as a Rule 31 mediator shall not conduct a mediation in: (A) any proceeding in which the mediator has served as judge or in any other proceeding related thereto; or (B) in any proceeding pending before a court on which the judge serves or in any court subject to the appellate jurisdiction of the court on which the judge serves.

(7) Part-time Special Master. A part-time special master listed as a Rule 31 mediator shall not conduct a mediation in: (A) any proceeding in which the mediator has served as judge or in any other proceeding related thereto; or (B) in any proceeding in which a party was or is involved in a case in any manner before the special master.