

# FORTY HOUR CIVIL MEDIATION TRAINING PROGRAM APPLICATION FOR SUPREME COURT CERTIFICATION

*\*\*NOTICE to APPLICANT: Applicants should refer to Forty (40)-Hour Basic Mediation Training Standards when completing this form.*

**Return completed forms via e-mail to: [ace@courts.in.gov](mailto:ace@courts.in.gov)**

## PROGRAM INFORMATION

Program Name

Program Dates

Program Site

Sponsor Name

CLE Sponsor Number

Website of Organization

Address of Sponsor

City

State

Zip Code

Contact Person

(if different than above)

Telephone

Fax

E-Mail Address

## FACILITATOR INFORMATION

PRIMARY TRAINER(S)

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ASSISTANT TRAINER(S)

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Has the primary trainer submitted a "Mediation Trainer Application" to the Commission for Continuing Legal Education? Yes  
No

Has each assistant trainer completed and submitted a "Mediation Trainer Application" to the Commission for Continuing Legal Education? Yes  
No

**EXPERT PROFILES**

List Expert(s) who will teach "Psychological Issues in Domestic Relations Litigation and Mediation"

List Expert(s) who will teach "Communication Skills and Knowledge" and "Interpersonal Dynamics"

Has each expert listed submitted a mediation expert application to the Commission for Continuing Legal Education? Yes  
No

Maximum number of participants per training program

Will each participant complete at least three (3) role plays?

Yes

No

Indicate what role participants will play

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Describe how the role plays will be evaluated

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Will each primary trainer and/or assistant trainer view no more than two (2) role plays simultaneously?

Yes

No

Will you ensure that each participant will be involved in a role play as a mediator and as a party?

Yes

No

What procedure will be instituted to ensure that participants attend the entire session?

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Teaching techniques utilized during training programs will include (please check all that apply):

Lecture

Group Discussion

Readings

Written Exercises

Mediation Simulation

Role Plays

Other:

## AGENDA SUMMARY

Verify the following topics will be taught according to the Standards for the course by providing the following information:

### Topic: **Indiana ADR Rules 1-8**

Who will teach this subject?

Indiana lawyer in good standing?

Yes

No

Attorney Number

### Topic: **Mediation Case Law Update**

Who will teach this subject?

Indiana lawyer in good standing?

Yes

No

Attorney number

## **Subject checklist**

**Mediation Case Law Update:** Please verify that the following topics will be included in the discussion by marking all that apply:

Conflicts of interest

Confidentiality and its limits

Facilitating fair, reasonable and voluntary agreements

Promotion of mutual respect of the participants in the mediation session including power balancing & control & decorum

Maintaining impartiality and neutrality  
Standards recommended by national associations  
Role of mediators as officers of the court  
Addressing cultural differences among the participants in mediation  
Mediator malpractice concerns  
Disciplinary procedures  
Difference between court ordered and voluntary mediation  
Relevant court rules, local procedures and forms  
Required disclosures to mediation participants  
Distinguishing between legal information or education, and legal advice  
Special considerations when dealing with self-represented mediation parties,  
including drafting documents  
Interests of third parties

### **Lawyers in Mediation**

Role of litigants' lawyers in the mediation process  
Attorney-client relationships  
Establishing credibility with lawyers  
Attorney fees issues  
Dealing with legal issues  
Private sessions with lawyers  
Attorney malpractice concerns  
Discovery issues  
Referral criteria -- e.g., to accountants, appraisers, etc.

### **Dynamics in Mediation**

Dealing with institutional litigants  
Complexity of Litigation  
Third party interests  
Dealing with insurance  
Carrier assessments/roles  
Context/environment in which the case is proceeding to mediation

### **Interpersonal Dynamics in Communication**

Common issues surrounding relationship of litigants

Forming relationships and building rapport  
Establishing trust  
Setting a cooperative tone  
Empathetic listening and questioning  
Using self as a barometer for understanding party reactions  
Remaining non-judgmental

### **Communications Skills and Knowledge**

Listening  
Responding  
Guiding  
Paraphrasing  
Confronting  
Reframing  
Attending to non-verbal communication  
Identifying areas of consensus and disagreement  
Questioning  
Clarifying  
Using clear, neutral language  
Balancing communication  
Modeling constructive behavior

### **Introduction to Conflict Resolution Theory**

Conciliation, mediation, arbitration-definitions and distinctions  
Negotiation theory  
The effect of mediation at various stages of litigation, including pre-suit  
Mediation process  
Review of mediation effectiveness

### **Informational Gathering Skills and Knowledge**

Questioning  
Setting the agenda and prioritizing areas  
Identifying Issues  
Exploring parties' background, interests and concerns

## **Problem-Solving Skills and Knowledge**

- Identifying and analyzing problems and needs
- Collecting data
- Prioritizing issues
- Framing issues
- Narrowing issues
- Converting positions into needs and interests
- Educating parties
- Identifying areas of agreement
- Identifying principles and criteria to assist decision-making
- Designing temporary plans
- Developing options and brainstorming
- Evaluating options and consequences
- Testing reality
- Developing an implementation plan
- Assisting parties to identify alternatives to a mediated agreement

## **Ethical Decision-Making and Values Skills and Knowledge**

- Understanding mediation standards of ethical practice
- Being sensitive to parties' values, including culture
- Remaining non-judgmental
- Establishing a commitment to honest disclosure
- Maintaining dignified behavior
- Being respectful of the parties
- Not imposing personal and professional values
- Establishing and maintaining a right to self-determination by the parties
- Honoring the uniqueness of parties
- Ensuring individual responsibility of parties for themselves
- Establishing the importance of each individual's participation
- Ensuring voluntary agreements and participation
- Dealing with commonly encountered ethical dilemmas

## **Interaction and Conflict Management Skills and Knowledge**

- Using ground rules
- Reducing tensions
- Balancing power
- Refocusing
- Confronting
- Strategizing/orchestrating
- Caucusing
- Managing impasse
- Empowering parties
- Distracting/redirecting
- Dealing with strong emotions
- Maintaining control of the process
- Managing the influence of non-parties

## **Professional Skills and Knowledge**

- Case management
- Community and legal resources
- Drafting memoranda and agreements
- Effective use of outside experts
- Obtaining, recording and monitoring factual information
- Dealing with complex factual materials
- When and how to refer issues to other forms of alternative dispute resolution

## **CHECKLIST**

### ***The following materials must accompany your application for certification***

- Complete program agenda, including the time allotted and instructor assigned for each topic/segment
- Bibliography of required readings
- Summary of course materials
- Copy of evaluation form to be used by participants
- Completed Mediation Trainer Application (if not on file with the Commission office) for each primary and assistant trainer
- Completed Mediation Expert Application (if not on file with the Commission office) for each expert.



**VERIFICATION OF APPLICATION**

I hereby certify that the application submitted for Supreme Court certification as a Forty (40)-hour basic domestic relations mediation training program contains accurate and complete information to the best of my knowledge. I acknowledge that I have a continuing duty to inform the Commission of any material changes in information submitted in this application from the date of this application through the duration of any certification approved by the Commission. *(You may sign this form electronically)*

\_\_\_\_\_  
Signature of Training Program Sponsor

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Date