

**Indiana Judicial Conference
Alternative Dispute Resolution Committee
Meeting**

Minutes

February 12, 2021

Via Remote Video/Telephonic Conferencing: 11:00 a.m. (ET)/10:00 a.m. (CT)

- I. Call to Order
Members participating: Chair Stephen Scheele, Jeff Clymer, Keith Doi, Paul Freed, Alicia Gooden, Luke Rudisill, Catherine Stafford, Jeff Todd, and Elaine Brown.
Members not present: P.J. Dietrick, Craig Goedde, Davin Smith, Ben Vanderpool (had technical difficulty in attending).
Staff/Guest: Mike Commons, staff to Committee.

- II. Meeting Minutes Review/Approval re:
Aug 14, 2020 Meeting
Motion to table approval of meeting minutes until next meeting—moved Scheele, seconded Todd, unanimously approved.
November 6, 2020 meeting minutes corrected and reviewed.
Approval moved Brown, seconded Doi, unanimously approved.

- III. Companion/Ancillary Committee Reports
 - a. Chair's Report
 - i. Discussed the ADR Rule Amendments (see Old Business)
 - b. CLE Commission
 - i. Next meeting is February 18, 2021. No new substantial topics. (Busy working on distance education for lawyers and judges. Recommendation likely to remain for near future, but possibly not for the long-term))
 - ii. Still looking at parenting coordination portal through CLE/Mediator Registry website
 - c. Family Law Taskforce
 - i. ODR, Family Law Problem Solving Courts, and domestic relations ADR fund plan expansions.
 1. Final official meeting was Feb. 10, 2021.

2. Possible ADR Rule and DR ADR Fund Plan Statute changes to be referred to this committee for comment and/or support.
- ii. Appreciate their support for some of the proposed ADR Rules amendments.

IV. Old Business.

- a. Status on ADR rule amendments as approved at our June/July/August meetings.
 1. Advancement to the Rules Committee
 - a. The amendments have been submitted to the Rules Committee and Judge Scheele has personally attended a meeting in September to provide further detail. Approved by Rules Committee with one exception: Rule 1.5 Immunity provision for Parenting Coordinators. Rules Committee letter indicates belief this provision should be included in Indiana Parenting Time Guidelines.
 2. Status going forward
 - a. Being presented to Justices at March court conference. If agreed, will be posted for public comment, and then for approval after review of public comments. Earliest possible effective date is July 1, 2021.
- b. Landlord Tenant Settlement Conference Program/COVID update
 - i. New EV case type as of January 1, 2021.
 - ii. Currently operating but slower than expected.
 - iii. Belief that various moratoria have suppressed the number of filings and therefore the number of parties seeking assistance from the program.
 - iv. Proposed legislation (Senate Bill) regarding making use of the LTSCP mandatory.
 - v. Strong belief that without mandatory participation it may not ever be useful enough. Also, even with mandatory participation many landlord parties may simply go through the motions to avoid contempt.

- V. New Business
 - a. N/A
- VI. Good of the Order/General Good and Welfare
- VII. Future Meeting Dates: (all times 11:00 ET, unless confirmed otherwise)

2021:

05/14/2021
08/20/2021
11/05/2021

2022 tentative:

*02/11/2022
*05/13/2022
*08/19/2022
*11/04/2022

- VIII. Adjourn @ 12:13 pm: Moved Freed, seconded Stafford, unanimously approved.

APPENDIX A - Roster of Current ADR Committee Members

Paul Freed (appointed 2015), Fayette Superior;
PJ Dietrick (appointed 2016), Marion Superior;
Alicia Gooden (appointed 2016), Marion Superior;
Stephen "Sam" Scheele (appointed 2017), Lake Superior;
Jeff Todd (appointed 2018), Grant Superior;
Luke Rudisill (appointed 2018), Greene Circuit/Superior
Keith Doi (appointed 2018), St. Joseph Superior;
Davin Smith (appointed 2019), Huntington Circuit;
Catherine Stafford (appointed 2019), Monroe Circuit;
Benjamin Vanderpool (appointed 2019), Wabash Superior;
Jeff Clymer (appointed 2020), Porter Superior
Craig Goedde (appointed 2020), Posey Circuit
Elaine B. Brown, Indiana Court of Appeals liaison.
Mike Commons, Office of Court Services liaison/Staff Attorney

**Indiana Judicial Conference
Alternative Dispute Resolution Committee
Meeting**

Minutes

May 14, 2021

Via Remote Video/Telephonic Conferencing: 11:00 a.m. (ET)/10:00 a.m. (CT)

- I. Call to Order
Members participating: Chair Stephen Scheele, Keith Doi, Alicia Gooden, Ben Vanderpool, Catherine Stafford,
Members not present: Jeff Clymer, P.J. Dietrick, Craig Goedde, Davin Smith, Paul Freed, Luke Rudisill, Jeff Todd, and Elaine Brown.
Staff/Guest: Mike Commons, staff to Committee.

- II. Meeting Minutes Review/Approval re:
Aug 14, 2020 Meeting
Motion to approve meeting minutes - moved Doi, seconded Gooden, unanimously approved.
February 12, 2021 meeting minutes.
Motion to approve - moved Doi, seconded Gooden, unanimously approved.

- III. Companion/Ancillary Committee Reports
 - a. Chair's Report
 - i. Discussed the ADR Rule Amendments (see Old Business)
 - b. CLE Commission
 - i. No update
 - c. Family Law Taskforce
 - i. FLT report has been submitted to Innovation Initiative group and waiting to be presented to Indiana Supreme Court.

- IV. Old Business.
 - a. Status on ADR rule amendments as approved at our June/July/August meetings.
 - i. Advancement to the Rules Committee

- a. Rules Committee suggested Parenting Coordinator immunity provision is better suite to reside within the Indiana Parenting Time Guidelines. The Judicial Conference DR Committee has included conforming language intended to expand immunity to PCs within its proposed amendments to the IPTG. Public comment period closes today regarding those proposed amendments.
 - b. The amendments have been submitted to the Rules Committee and Judge Scheele has personally attended a meeting in September to provide further detail. Approved by Rules Committee with one exception: Rule 1.5 Immunity provision for Parenting Coordinators. Rules Committee letter indicates belief this provision should be included in Indiana Parenting Time Guidelines.
 - ii. Status going forward
 - a. Public comments are with the Rules Committee. Wait and see regarding what effect public comments will have on the Rules Committee's proposal.
 - b. The Justices will still review the proposals and public comments.
 - c. Earliest possible effective date is July 1, 2021.
- b. Landlord Tenant Settlement Conference Program/COVID update
 - i. Currently operating but slower than expected.
 - ii. Belief that various moratoria have suppressed the number of filings and therefore the number of parties seeking assistance from the program.
 - iii. Strong belief that without mandatory participation it may not ever be useful enough. Also, even with mandatory participation many landlord parties may simply go through the motions to avoid contempt.

V. New Business

- a. Limitation on ADR Rules use in Small Claims cases.
 - i. Should we consider clarifying the caselaw regarding this

- ii. Should we consider amending ADR Rules to expand it's use into Small Claims Courts?
- b. Anticipated mtg with ISBA ADR Council/Section Chair Amy Stewart
- c. Rescheduling of 08/20/2021 meeting to 08/13/2020

VI. Good of the Order/General Good and Welfare

VII. Future Meeting Dates: (all times 11:00 ET, unless confirmed otherwise)

2021:

08/13/2021
11/05/2021

2022 tentative:

*02/11/2022
*05/13/2022
*08/19/2022
*11/04/2022

VIII. Adjourn @ 11:34 am: Moved Gooden, seconded Stafford, unanimously approved.

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Davin Smith (appointed 2019), Huntington Circuit;
Catherine Stafford (appointed 2019), Monroe Circuit;
Benjamin Vanderpool (appointed 2019), Wabash Superior;
Jeff Clymer (appointed 2020), Porter Superior
Craig Goedde (appointed 2020), Posey Circuit
Elaine B. Brown, Indiana Court of Appeals liaison.
Mike Commons, Office of Court Services liaison/Staff Attorney

Indiana Judicial Conference
Alternative Dispute Resolution Committee Meeting
Minutes
August 13, 2021

Via Remote Video/Telephonic Conferencing: 11:00 a.m. ET/10:00 a.m. CT

- I. Call to Order
Members present: Chair Stephen Scheele, Catherine Stafford, Jeff Todd
Members not present: P.J. Dietrick, Alicia Gooden, Luke Rudisill, Keith Doi, Davin Smith, Benjamin Vanderpool, Jeff Clymer, Craig Goedde, Elain Brown,
Staff/Guest: Angela Reid-Brown, Indiana Office of Court Services
- II. Introduction of Angela Reid-Brown as our Interim Staff Attorney
Angela Reid-Brown was introduced as the interim staff attorney for the Committee.
- III. Meeting Minutes Review/Approval re:
 - A. May 14, 2021, Regular Meeting
The minutes were approved by consensus.
 - B. June 17, 2021, Special Meeting, re: Committee Response to Public Comment
The minutes were approved by consensus.
- IV. Chairperson and/or companion/ancillary committee reports
 - A. Chair's report
Judge Freed's term on the Committee ended June 30, 2021. The chair recognized his service to the Committee.
 - B. CLE Commission
The Commission is scheduled to meet the week of August 16, 2021 and is expected to discuss distance education credit.
 - C. Family Law Task Force
The Task Force work has wound down. The final report and recommendations were submitted to the Innovation Initiative.
- V. Old Business
 - A. Status on ADR rule amendments as advanced by Rules Committee to Supreme Court in Jan 2021:
 - i. All proposals were advanced, except for the Rule 1.5 proposal regarding immunity for parenting time coordinators.
 - ii. The public comment period ended with one single public comment forwarded to the Committee for consideration. The Committee considered the comment at a special meeting held on June 17, 2021. The Committee's response has been submitted to the Rules Committee, which is expected to review it at their August 2021 meeting. If the Rules Committee advances the response to the Supreme Court, the Court may consider it in September 2021.
 - B. Issue of Rule 1.5/immunity for parenting time coordinators going forward:
The immunity for parenting time coordinators provision is currently in the draft

Parenting Time Guidelines. This Committee is waiting to see if the immunity provision is ultimately adopted in the Parenting Time Guidelines.

C. Chair zoom conferencing w/ISBA ADR Council/Section Chair Amy Stewart.
The chair met with the Section Chair via Zoom on 07/09/2021 and 08/27/2021.

D. Landlord Tenant Settlement Conference
Judge Stafford provided an update on the Landlord Tenant Settlement Conference. She also provided information on the Monroe County Eviction Diversion Program.

VI. New Business

A. July ADR Committee membership cycling
No new members were appointed to the Committee.

B. Outreach from the Civil Litigation Task Force
The Task Force appreciated the comments received on their sample ADR “brochure” on newly-filed cases.

VII. Good of the Order/General Good and Welfare

The November 5, 2021 meeting will take place via Zoom. The tentative 2022 meeting dates will be confirmed at the November meeting

VIII. Future Meeting Dates: (all times 11:00 a.m. ET/10:00 a.m. CT, unless otherwise confirmed)

2021: * 11/05/2021

2022 tentative: * 02/11/2022 * 05/13/2022 * 08/12/2022 * 11/04/2022

2023 tentative: * 02/10/2023 * 05/12/2023 * 08/11/2023 * 11/03/2023

IX. Adjourn

The meeting adjourned at 11:30: Moved by Judge Todd, Seconded by Judge Stafford.

Appendix A-Roster of Current ADR Committee Members

- A. PJ Dietrick (appointed 2016), Marion Superior
- B. Alicia Gooden (appointed 2016), Marion Superior
- C. Stephen “Sam” Scheele (appointed 2017), Lake Superior
- E. Jeff Todd (appointed 2018), Grant Superior
- F. Luke Rudisill (appointed 2018), Greene Circuit/Superior
- G. Keith Doi (appointed 2018), St. Joseph Superior
- H. Davin Smith (appointed 2019), Huntington Circuit
- I. Catherine Stafford (appointed 2019), Monroe Circuit
- J. Benjamin Vanderpool (appointed 2019), Wabash Superior
- K. Jeff Clymer (appointed 2020), Porter Superior
- L. Craig Goedde (appointed 2020), Posey Superior
- M. Elaine B. Brown, Indiana Court of Appeals liaison
- N. Angela Reid-Brown, Office of Court Services liaison/Staff Attorney (interim)

Indiana Judicial Conference
Alternative Dispute Resolution Committee

Minutes
11/5/2021
11:00 AM (EST)

- I. Call to Order
 - a. Meeting called to order @ 11:03 AM
 - b. Present: Hon. Catherine Stafford, Hon. Jeff Todd, Hon. Keith Doi, Hon. Stephen Scheele, Hon. PJ Dietrick, Hon. Alicia Gooden, Hon. Elaine Brown, Hon. Davin Smith,
 - c. Not present: Hon. Luke Rudisill, Hon. Benjamin Vanderpool, Hon. Jeff Clymer, Hon. Craig Goedde
 - d. Staff Support: Angela Reid-Brown, Joseph Fischer
- II. Old Business
 - a. Recently proposed ADR Rule amendments:
 - i. All amendments proposed by this committee, other than Rule 1.5, are currently under review.
 - ii. Angela Reid-Brown confirms the Rules Committee tabled further review of the proposed amendments to the ADR rules while the Civil Litigation Task Force, through its own ADR workgroup, review the ADR Rules. The Civil Litigation Task Force is working on a report for the court that is due at the end of the year. Further review will likely not occur until sometime early next year.
 - b. Indiana Rule for Alternative Dispute Resolution rule 1.5:
 - i. Rules Committee did not advance ADR Committee proposed amendment to rule 1.5. Instead, Rules Committee placed the parenting coordinator immunity provision in the Indiana Parenting Time Guidelines.
 - ii. Immunity for parenting coordinators was included in the Order Amending Indiana Parenting Time Guidelines filed October 5, 2021.
 - iii. Effective January 1, 2022: Section V. Parenting Coordination, Part B. Qualifications, is amended as follows: "The Parenting Coordinator shall be a registered Indiana Domestic Relations Mediator, with additional training or experience in parenting coordination satisfactory to the court making the appointment. A Parenting Coordinator, as a registered Indiana Domestic Relations Mediator under ADR Rule 1.5, has immunity in the same manner and to the same extent as a judge."
 - c. Online Dispute Resolution:

- i. Lake County pilot court for small claims ODR: No stats or data available yet but there has been some level of success and participation is good.
- ii. Monroe, Vigo, and Marion Co. are all trying to start family law ODR programs. It has been slow to launch largely due to development and implementation roadblocks.

III. New Business

a. Eviction Facilitation/Settlement conference updates:

- i. Pre-eviction diversion program was recently announced by the IN Supreme Court and is presently in effect.
- ii. Most of the committee feels the new program doesn't have adequate motivation for the landlord to participate.
- iii. Disincentives for the landlords: 90 days is too long, multiple hearings, confidentiality issues, etc.
- iv. Some large landlords are switching to land contracts and rent-to-own models to sidestep renter protections.
- v. Eviction FastTrack facilitation program is separate and still ongoing.

b. Discussion regarding Domestic Relations Mediator qualifications:

- i. Why don't DR Mediators have to be attorneys, as opposed to traditional mediators?
- ii. After some preliminary discussion, committee agrees to return to this as a point for future discussion and information gathering.

c. Introductions of new IOCS staff support attorney and recognition of Angela Reid-Brown's work with the committee.

IV. Future meeting dates: All dates listed on agenda are confirmed:

- a. 2/11/2022, 5/13/2022, 8/12/2022, 11/04/2022
- b. 2/10/2023, 5/12/2023, 8/11/2023, 11/03/2023
- c. All meetings currently scheduled for 11:00 AM.
- d. For the time being future meetings to continue via Zoom, but this might be adjusted.

V. Previous meeting minutes from August 13, 2021, approved unanimously.

VI. Adjourned at 11:52 AM (EST). Next meeting February 11th, 2022 @ 11:00 EST.

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- D. Jeff Todd (appointed 2018), Grant Superior
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