

APPENDIX II

NOTICE:

In December 1995, the Supreme Court of Tennessee established Rule 31 regarding Alternative Dispute Resolution. Pursuant to this Rule, a court may order parties in a civil action to participate in an alternative dispute proceeding. Likewise, parties to a lawsuit may agree to Alternative Dispute Resolution. The Rule provides for the use of various methods of ADR. Often Alternative Dispute Resolution of pending cases may save time and expense. Litigants in the Circuit Court may wish to use one of these procedures to assist in the speedy and efficient resolution of civil cases. Some of the more common forms of ADR are:

Judicial Settlement Conference- mediation conducted by a Judge other than a Judge before whom the case will be tried.

Non Binding Arbitration- process in which a neutral person or panel, called an arbitrator or an arbitration panel, considers the facts and arguments presented by the parties and renders a decision which is non-binding.

Mediation- an informal process in which a neutral person called a mediator conducts discussions among the disputing parties designed to enable them to reach a mutually acceptable agreement among themselves on all or any part of the issues in dispute.

Case Evaluation- a process in which a neutral person called an evaluator or evaluation panel after receiving brief presentations by the parties summarizing their positions, identifies the central issues in dispute as well as areas of agreement, provides the parties with an assessment of the relative strengths and weaknesses of their case, and may offer a valuation of the case.

Summary jury trial- an abbreviated trial with a jury in which the litigants present their evidence in an expedited fashion. The litigants and the jury are guided by a presiding neutral person. After an advisory verdict from the jury, the presiding neutral person may assist the litigants in a negotiated settlement of their controversy.

Mini-trial- a settlement process in which each side presents an abbreviated summary of its case to the parties or representatives of the parties who are authorized to settle the case. A neutral person may preside over the proceeding. Following the presentation, the parties or their representatives seek a negotiated settlement of the dispute.

The Judges of the trial courts of Davidson County unanimously support ADR and questionnaires are provided to all litigants at the beginning of a lawsuit. The questionnaire asks litigants to answer whether that litigant will be voluntarily agreeable to one or more of the ADR forms described above. (Please fill out this questionnaire and return it to the Circuit Court Clerk's Office)

Sincerely,

Hamilton V. Gayden, Jr., Judge

Amanda McClendon, Judge

Barbara N. Haynes, Judge

Walter C. Kurtz, Judge

Thomas W. Brothers, Judge

Carol L. Soloman, Judge