

New Hampshire Judicial Branch
Office of Mediation and Arbitration
Neutral Complaint Process

1. The Office receives a complaint about neutral behavior. Receipt of a complaint may come through a variety of means: a direct email or phone call from a party, communication from a Court staff member, or a referral from a third party.
2. The Office reaches out to the person who complained for a phone conversation. The Office asks if the person who complained will waive confidentiality of the mediation process for the purpose of investigating the complaint. The Office tells the person that the complaint will only be shared on a need-to-know basis; in no way will the complaint impact the party/ies current or future cases.
3. The Office asks if the person has any opposition to the Office talking with other party/ies and the neutral regarding the circumstances from which the complaint arose.
4. The Office takes written notes on what the person says. The Office compiles a summary of what the person says, without additions or judgements, and sends to the appropriate Judge or Justice, or that person's designee, of the Court in which the complaint occurred. The Office shall not share the complaint with any Judge or other judicial officer responsible for making decisions in the party/ies case(s).
5. The Office contacts the neutral to alert the neutral of the complaint. The Office offers the neutral an opportunity to share the neutral's perspective on the circumstances from which the complaint arose and any other case history that may be relevant to the complaint. The Office tells the neutral that the complaint will only be shared on a need-to-know basis. The Office takes written notes on what the person says. The Office compiles a summary of what the person says, without additions or judgements, and sends to the appropriate Judge or Justice, or that person's designee.
6. If appropriate, the Office reaches out to additional persons. This could include, but is not limited to: case managers, clerks, Court staff, other parties, and attorneys. If the person is a party who also participated in mediation, the Office shall ask if the person will waive confidentiality of the mediation process for the purpose of investigating the complaint. In any Office communication with such persons, it shall be reiterated that nothing the party/ies or person says will impact any current or future cases. The Office takes written notes on what the person says and, if appropriate, shares the notes with the appropriate Judge or Justice, or that person's designee.
7. The Office may conduct additional review as appropriate, including but not limited to: reviewing the case history, case documents, and mediation questionnaires; meeting in-person with the neutral; reviewing the neutral's file; etc.
8. The Office and the appropriate Judge or Justice, or that person's designee, will review the complaint, neutral perspective, and any additional information gathered. The reviewers will note any inconsistencies in reported behavior. The reviewers will note any behaviors which, if true, would violate neutral standards of conduct.
9. Within 30 days of receiving the complaint, the Office and Judge or Justice, or that person's designee, will decide whether to recommend discipline or terminate the review without action. Considerations will include, but not be limited to, whether the behavior violates neutral standards of conduct, how the behavior impacted the parties, and how the behavior impacted the integrity of the ADR process. Possible disciplines include: warning, training, coaching, probation, suspension, or termination of the contract. Progressive steps may be taken.
10. The Office shall communicate in writing the outcome of the complaint to the complaining party and the neutral.
11. If the discipline includes termination, the neutral may request the Office reconsider its decision.
12. The Office shall maintain any documents related to the complaint in the neutral's file during the term contracted with the Court.

Name:

Case number (if known):

Court in which case took place:

Name of neutral:

Date of mediation(s):

- I waive confidentiality of the mediation communication to the extent necessary to investigate this complaint.
- I do not waive confidentiality. I understand this makes it difficult to investigate the complaint beyond this written record.

What is the nature of your complaint?

What is the best way to reach you to discuss this matter?

Please send this to the Office of Mediation and Arbitration at mediation@courts.state.nh.us or at NH Judicial Branch Administrative Offices, Attention: Office of Mediation and Arbitration, 1 Granite Place, Suite 400 North, Concord, NH 03301.