

OFFICE OF MEDIATION AND ARBITRATION

NEW HAMPSHIRE JUDICIAL BRANCH

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Purpose (RSA 490-E)

- I. Guide the development of alternative dispute resolution programs;
- II. Promote alternative dispute resolution solutions;
- III. Serve as an alternative dispute resolution resource to courts;
- IV. Support the administration of alternative dispute resolution programs in all courts; and
- V. Facilitate voluntary pre-suit mediation or arbitration services, in accordance with rules adopted by the supreme court, as an option in cases which would otherwise be filed in the trial courts.

Overview by the Numbers: 2018

17 statewide programs

3 courts: Circuit, Superior, Supreme

3 Circuit Court divisions: Family, District, Probate

~ 160 non-judicial neutrals

~ 40 active and retired judicial officers serving
as neutrals

10,000 ADR sessions scheduled



Programs: Family Division

- Original divorce/parenting (RSA 461-A:7, RSA 458:15-c)
- Reopened divorce/parenting (same)
- Complex Case Docket mediation (Circuit Court Administrative Order 2014-59)
- Neutral case evaluation (NCE Protocol 2018)
- Guardianship of a minor (Probate Admin. Order 11)
- Voluntary Mediated Agreement, Termination of Parental Rights (VMA Protocol 2018)

Programs: District Division

- Voluntary small claims mediation (Dist. Div. Rule 4.12)
- Mandatory small claims mediation (503:1 (IV))
- Civil writ mediation (Dist. Div. Rule 3.28)

Programs: Probate Division

- Estate/Trust mediation (Probate Admin. Order 11)
- Complex Trust Docket mediation
- Trust Docket NCE
- Guardianship mediation (Probate Admin. Order 11)

Programs: Superior Court

- Mandatory civil ADR (Sup. Ct. Rule 32)
- Intensive judicial mediation (Sup. Ct. Rule 34)
- Business court mediation (RSA 491:7-a, Rule 32)
- Pre-filing arbitration (Sup. Ct. Rule 33)
- Arbitration (Sup. Ct. Rule 33)
- Felony settlement conference (Policies and Protocols)

Programs: Supreme Court

- Appellate mediation (Supr. Ct. Rule 12-A)

Updates on Developments in 2018

- VMA/TPR mediation
- Statewide Divorce/Parenting NCE
- Statewide Consumer Debt Docket
- Trust NCE

Developments in 2019

- Text message reminders for parties in divorce/parenting mediation
- DV and divorce/parenting process assessment
- Minor Guardianship mediation reboot
- Probate mediator applications
- Federal/state court training on impasse

FAQ

- What does it cost?
- How do I become a neutral?
- Is it working?
- Others?

Cost

- Divorce/Parenting: \$150 per person, 4 hours
- All other Circuit Court ADR: no cost to parties
- Superior Court ADR: provider's fee
- Settlement conferences: no cost to parties
- Pre-filing arbitration: \$250 per person
- Appellate ADR: \$225 per person, 7 hours

How to Become a Neutral

- Take a basic (at least 40 hour) mediation or arbitration training
- Reach out to me to express interest
- Continue to seek out opportunities to practice skills

How to Become a Neutral

- Circuit Court
 - ▣ Family: Family Mediation Certification Board, upon request →
 - ▣ District: upon request → application
 - ▣ Probate: upon request → application
- Superior Court
 - ▣ Civil: application, approval for list
- Supreme Court
 - ▣ Be a retired full-time marital master or judge

Is it Working?

- Purpose of each program matters
- Use
- Agreements
- Durability of agreements
- Time/resources saved
- Sense of procedural justice
- Satisfaction (process & outcome)

The Numbers for Circuit Court

- 2,727 original divorce/parenting mediation sessions scheduled (reopened case information not available)
- 293 divorce/parenting NCE sessions scheduled (March 2018-December 2018)
- 25 Complex Family Docket cases with mediation
- 11 Guardianship of a minor mediation
- 41 Voluntary Mediated Adoptions/Termination of Parental Rights
- 48 Equity/estates/trust mediations
- 4 Complex Trust Docket cases with mediation
- 1405 small claims mediations
- 256 civil writ mediations

The Numbers for Supreme Court

- 31 cases referred for ADR
- 27 cases attended ADR

Top Five Ways You Can Be Part of Improving ADR in NH Courts

1. Triage cases for ADR early and often
2. Be prepared for the ADR process
3. Submit your ADR Reports or ADR Questionnaires
4. Consider areas in which dispute resolution offerings might be valuable or improved
5. Give me feedback