

# Instructions and Complaint Form for Filing a Complaint Against Court-Annexed ADR Neutrals

## GENERAL INFORMATION

- The Alternative Dispute Resolution (“ADR”) Ethics Board reviews complaints against Neutrals (“ADR” providers) serving in court-annexed ADR processes under Rule 114 at their quarterly meetings.
- The ADR Ethics Board does not have the authority to remove a Neutral who has been ordered by the Court from a case (only the Court can remove a court-ordered Neutral) or to order the return of any fees paid to a Neutral.
- The ADR Ethics Board cannot change the decision of a Neutral. (For example, you would appeal decisions of a Parenting Consultant or Parenting Time Expeditor to the Court which ordered the Neutral in your case).
- Sanctions that the Board can impose against a Neutral can be found in Rule 114.13. B. Rules of the Minnesota ADR Ethics Board, Subd. 3 Remedies and Sanctions.

## INSTRUCTIONS

1. Complete the information on page one of the complaint form, including contact information for yourself and the Neutral, parties involved, whether the Neutral was court appointed, and identifying the ethical rules you believe were violated.
2. Submit the entire complaint, including attachments, at the same time. **Later submissions will not be accepted.**
3. Required attachments:
  - A written description of the facts that support each ethical rule you believe the Neutral has violated
  - Relevant documentation to support the facts
  - If the Neutral is court-ordered, attach the complete court order appointing the Neutral
  - All signed agreements for services and/or fee agreements you have with the Neutral, OR indicate that you do not have the agreement(s), or never signed agreement(s)
  - If the Neutral issued decisions, please attach all written decisions that are relevant to the complaint.
4. Instructions for attachments:
  - Do not submit the same information more than once.
  - If you are attaching long documents, mark the relevant sections.
  - If you are submitting emails as attachments, do not submit multiple iterations of the same message, and mark the specific exchange you believe may have violated the Code of Ethics for Court-Annexed ADR Neutrals.
  - If you are attaching more than five (5) documents, provide a numbered list of the attachments, including title, date, and a very brief description of the relevance of this attachment to your ethics complaint.

5. Be sure to sign and date the Complaint Form at Section IV.
6. Submit your complaint to the email address or address provided on this form. If you are submitting by email, please put all documents into one (1) file.

## **Court-Annexed ADR Neutrals Complaint Form**

### **SECTION I: Contact Information**

<b>Complainant</b>	Name: _____	Phone: (____) _____
	First      Middle      Last	
	Address: _____	City      State      Zip Code
	Email: _____	
<b>Neutral</b>	Name: _____	Phone: (____) _____
	First      Middle      Last	
	Address: _____	City      State      Zip Code
	Email: _____	

### **SECTION II: Basis for Complaint**

**Parties Involved:** \_\_\_\_\_

**Date of Incident(s):** \_\_\_\_\_

**Was the Neutral court appointed?**  Yes  No

**Please check the boxes for the rule(s) of the Code of Ethics for Court-Annexed ADR Neutrals that you believe have been violated:**

<input type="checkbox"/>	<b>Rule 114.13. A. subd. 1: Impartiality:</b> The Neutral failed to conduct the ADR process in an impartial manner. Impartiality means freedom from favoritism or bias either by word or action, and a commitment to serve all parties as opposed to a single party.
<input type="checkbox"/>	<b>Rule 114.13. A. subd. 2: Conflicts of Interest:</b> The Neutral failed to disclose conflicts of interest. A conflict of interest is when the Neutral has a direct or indirect financial or personal interest in the outcome of the ADR process or the Neutral had a current or past financial, business, professional, family or social relationship which is likely to affect impartiality, or which reasonably create an appearance of partiality or bias with either of the parties. <b>AND/OR</b> The Neutral failed to withdraw from the process after failing to receive consent from both parties. <b>AND/OR</b> The Neutral, while acting as an arbitrator, failed to disclose to the parties in writing at the time of selection, or promptly after it became known, any actual or potential conflict of interest known to the Neutral arbitrator.

<input type="checkbox"/>	<p><b>Rule 114.13. A. subd. 3: Competence:</b> The Neutral did not possess the qualifications and ability to fulfill the role requested or assigned to serve. <b>AND/OR</b> The Neutral did not decline appointment, request assistance, or withdraw when the dispute was beyond the Neutral’s competence. <b>AND/OR</b> The Neutral failed to provide the parties with a written statement of qualifications describing the Neutral’s educational background, relevant training, and experience in the field prior to beginning services.</p>
<input type="checkbox"/>	<p><b>Rule 114.13. A. subd. 4: Confidentiality:</b> The Neutral failed to discuss issues of confidentiality with the parties before beginning the ADR process, including limitations on the scope of confidentiality and the extent of confidentiality provided in any private sessions that a Neutral holds with a party. <b>AND/OR</b> The Neutral failed to maintain confidentiality as required by Rules 114.08, 114.10, and 114.11 of the General Rules of Practice and any other agreements made with the parties.</p>
<input type="checkbox"/>	<p><b>Rule 114.13. A. subd. 5: Quality of the Process:</b> The Neutral failed to ensure a quality process, which requires a commitment by the Neutral to diligence and procedural fairness. <b>AND/OR</b> The Neutral failed to ensure the reasonable expectations of the parties concerning the timing of the ADR process was satisfied. <b>AND/OR</b> The Neutral knowingly made false statements of law or fact. <b>AND/OR</b> The Neutral did not exert every reasonable effort to expedite the ADR process. <b>AND/OR</b> The Neutral was late with written reports, awards, or agreements. <b>AND/OR</b> The Neutral did not withdraw from the process or postpone a session when a party was unable to participate due to drug or alcohol abuse, or other mental or physical incapacity. <b>AND/OR</b> The Neutral did not withdraw from an ADR process or postpone a session when the process was being used to further illegal conduct.</p>
<input type="checkbox"/>	<p><b>Rule 114.13. A. subd. 6: Advertising and Solicitation:</b> The Neutral was not truthful in advertising and solicitation for ADR services. <b>AND/OR</b> The Neutral advertised as a “Qualified” Neutral when they were not on the roster. <b>AND/OR</b> The Neutral advertised as a “Certified” Neutral in Minnesota.</p>
<input type="checkbox"/>	<p><b>Rule 114.13. A. subd. 7(a): Fees:</b> The Neutral failed to fully disclose and explain the basis of compensation, fees and charges to the parties. <b>AND/OR</b> The Neutral failed to provide sufficient information about fees to the parties before services were retained. <b>AND/OR</b> The Neutral entered into a fee agreement that was contingent upon the outcome of the process. <b>AND/OR</b> The Neutral did not include the fee agreement in the written agreement. <b>AND/OR</b> The fee agreement was inconsistent with the court order appointing the Neutral. <b>AND/OR</b> The Neutral failed to establish a protocol for regularly advising parties on the status of their account and requesting payment of fee. <b>AND/OR</b> The Neutral refused participation by a party based on payment status. <b>AND/OR</b> The Neutral failed to enter into a signed written agreement for services with the parties either before or promptly after commencement of the ADR process. <b>AND/OR</b> The Neutral gave or received a commission, rebate, or similar remuneration for referring a person for ADR services.</p>
<input type="checkbox"/>	<p><b>Rule 114.13. A subd. 7(b): Requirement of Witten Agreement for ADR Services:</b> The appointment order contained requirements for the Neutral to do something that was in violation of Rule 114, the Code of Ethics for Court-Annexed ADR Neutrals, or other applicable court rules or statutes and the Neutral failed to decline or defer appointment</p>

	until issuance of an amended or subsequent order issued. <b>AND/OR</b> The written agreement for ADR Services fails to include the required elements as set forth in Rule 114.13.A. subd. 7(b).
<input type="checkbox"/>	<b>Rule 114.13. A. subd. 7(c): Prohibited Actions by Facilitative and Evaluative Neutrals:</b> The Neutral providing services in a Facilitative or Evaluative process drafted a legal document intended to be submitted to the court as an order to be signed by a judicial officer. <b>AND/OR</b> The Neutral provided therapy, legal representation, or advice during the process. <b>AND/OR</b> The Neutral engaged in the unauthorized practice of law during the process. <b>AND/OR</b> The Neutral required the parties to stay in the ADR process against their will. <b>AND/OR</b> The Neutral attempted to coerce an agreement between the parties.
<input type="checkbox"/>	<b>Rule 114.13. A. subd. 8: Self-Determination in Mediation:</b> The mediator failed to act in a manner that recognizes that mediation is based on the principle of self-determination by the parties.

**Attach copies of only relevant documents that support the allegations above, including:**

- |   |   |
|---|---|
| <input type="checkbox"/> Court order appointing Neutral               | <input type="checkbox"/> Relevant written decisions by Neutral that relate to the issues in this complaint              |
| <input type="checkbox"/> Fee agreements and/or agreement for services | <input type="checkbox"/> Relevant communication between you and the Neutral that relate to the issues in this complaint |

**If the Neutral was court appointed, be sure to include the following documents with your complaint:**

- Complete court order appointing Neutral
- Fee agreement and/or agreement for services
- Written decisions by Neutral that relate to the issues in this complaint.

### **SECTION III: Description of Complaint**

Please describe the facts that support each rule you have checked the box for on SECTION II of this form in the correct box. If you need to attach additional pages, be sure to indicate which rule you believe was violated by the Neutral in your description. Be sure to sign and date the form on SECTION IV to certify accuracy before you submit.

**Rule 114.13. A. subd. 1. Impartiality**

**Rule 114.13. A. subd. 2. Conflicts of Interest**

**Rule 114.13. A. subd. 3. Competence**

**Rule 114.13. A. subd. 4. Confidentiality**

**Rule 114.13. A. subd. 5. Quality of the Process**

**Rule 114.13. A. subd. 6. Advertising and Solicitation**

**Rule 114.13. A. subd. 7 (a). Fees**

**Rule 114.13. A. subd. 7. (b) Requirement of Written Agreement for ADR Services**

**Rule 114.13. A. subd. 7.(c) Prohibited Actions**

**Rule 114.13. A. subd. 8. Self-Determination in Mediation**

**SECTION IV: Certification of Accuracy**

I hereby certify that everything contained in this complaint is correct to the best of my knowledge and belief.

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Signature of Complainant

Date

**Return Form to:**  
ADR Ethics Board, ADR Program  
[adr@courts.state.mn.us](mailto:adr@courts.state.mn.us)  
**Questions? Please call 651-297-7590**