



MINNESOTA SUPREME COURT

Alternative Dispute Resolution (ADR)

**GUIDELINES FOR *SPONSOR'S PETITION*  
ALTERNATIVE DISPUTE RESOLUTION - RULE 114  
TRAINING COURSE CERTIFICATION**

**CIVIL (NON-FAMILY) NEUTRALS**

**Alternative Dispute Resolution Program**  
135 Minnesota Judicial Center  
25 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, Minnesota 55155-1500  
(651) 297-7590

Under the General Rules of Practice Rule 114 only those individuals who meet the training requirements established in Rule 114.12, subdivision 4, or who have received a waiver under subdivision 4(m) shall be listed on the roster of Qualified Neutrals. The State Court Administrator certifies training programs which meet the training criteria. Any sponsor (agency, organization, or person) who provides training may seek course certification. A list of certified training programs is kept by State Court Administration, ADR Program.

### **APPLICATION REQUIREMENTS**

1. Application for course approval shall be submitted on petition forms available on mncourts.gov under the help topic Alternative Dispute Resolution (ADR)/Mediation.
1. It is strongly recommended that an application for course approval shall be submitted at least 30 days prior to the scheduled training date(s) to ensure the course meets all requirements to be certified. Note: If the course is not certified 30 days prior to the scheduled training date(s), the course may be denied.
2. Course certification is based on Rule 114.12 of the General Rules of Practice.
3. The number of hours certified will be based on each contact hour of training. A contact hour shall consist of no less than a sixty-minute class session. The number of hours certified will not include time spent on meals, breaks, homework assignments, or unrelated activities.
4. Training for civil law facilitative/hybrid processes, that include a mediation component in civil, non-family matters, must include a minimum of 30 hours of classroom training, with an emphasis on experiential learning. Certified civil facilitative/hybrid processes training shall consist of a maximum of 15 hours of lecture and a minimum of 15 hours of experiential learning.
5. Training for civil law adjudicative/evaluative processes must include 6 hours of classroom training.
6. Certification will not be granted for courses consisting solely of television viewing, correspondence work, or self-study. Video, motion picture, or sound tape presentations will not be certified unless a qualified instructor is present to discuss the content and answer questions.

### **TRAINER REQUIREMENTS**

In order to qualify as a certified training program, trainer(s) must meet the following requirements:

1. Have taken a training as set forth in Rule 114.12 of the General Rules of Practice, or equivalent training on the same topic before teaching it
2. Be a Qualified Neutral if providing ADR services in Minnesota. If a trainer from out of state is not on the roster, the Minnesota ADR rules/law topics that is required in Rule 114.12, including the Code of Ethics for Court-Annexed ADR Neutrals, must be taught by a local expert who is on the roster.

3. Demonstrate 5 years of experience as a Neutral in the ADR process being taught.
4. Demonstrate experience as a trainer using the role play/experiential learning format required by Rule 114.12.
5. Instructors shall provide a suitable learning environment and assist attendees and answer questions related to the course.

### **COORDINATOR REQUIREMENTS**

1. The sponsor shall designate a **coordinator** who is responsible for supervising the course and assuring compliance with the statutes and rules governing alternative dispute resolution methods.
2. The coordinator shall notify the ADR Program Manager of the date and location of each subsequent presentation of a certified course. Any change in faculty or course content must also be noted.

### **FACILITIES**

1. Classroom training shall be conducted in a comfortable classroom or other facility which provides space and equipment appropriate for the learning activities. "Classroom training" includes both interactive training conducted in person and interactive training conducted through virtual means. Classroom training also includes a "ride-along." "Ride-along" means observation of a real-life ADR process, including observation by remote means, conducted by a Qualified Neutral. With consent of the parties and under the supervision of the Qualified Neutral, the ride-along may also include participation in the ADR process.

### **ADVERTISING**

1. Courses must be certified in writing by the ADR Program Manager in order to be advertised as *certified alternative dispute resolution training*.
2. A sponsor may make a written request to use the term "certification pending" if a petition for certification has been made to the ADR Program Manager. Permission must be granted by the ADR Program Manager to use "certification pending."
3. When a sponsor receives written notice from the ADR Program Manager of certification, advertising may include the statement, "This course has been certified for ( ) hours of alternative dispute resolution training by the State Court Administrator, ADR Program."
4. Advertising must be truthful, clear, and not deceptive or misleading.

### **FAILURE TO COMPLY**

1. Failure to comply with these guidelines will result in loss of certification of the course until full compliance with all requirements has been met.



SPONSOR'S PETITION  
ALTERNATIVE DISPUTE RESOLUTION  
MINNESOTA SUPREME COURT FOR ADR ROSTERS AND TRAINING  
CIVIL (NON-FAMILY) NEUTRALS  
TRAINING COURSE CERTIFICATION

**SECTION I: COURSE INFORMATION**

Course Title: \_\_\_\_\_

Date(s): \_\_\_\_\_

Location: \_\_\_\_\_

Sponsor: \_\_\_\_\_

Coordinator: \_\_\_\_\_

Registration URL: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

**SECTION II: FOCUS OF THE COURSE**

Course will fulfill Rule 114 requirements for:

- Civil Facilitative/Hybrid
- Civil Adjudicative/Evaluative

**SECTION III. TRAINER QUALIFICATION (to be completed by the Trainer)**

Trainer Name(s)

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To qualify as a trainer, one or more trainers must be a Qualified Neutral on the Rule 114 ADR Roster and have taken a training as set forth in Rule 114.12 or equivalent training on the same topic before teaching it. Indicate the certified or equivalent training the trainer attended. Attached additional sheets if necessary. To verify the trainer is currently active on the Roster, follow the link [Minnesota Statewide ADR-Rule 114 Qualified Neutrals Roster](#) to search the public list of all active Neutrals.

***Qualified Trainer Name(s)***

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**Date(s) of Training                      Name of Training                      Sponsor                      Total Hours**

I certify that I have five years of professional experience as a Neutral in the ADR process being taught and that I have experience as a trainer using the role play/experiential learning format required by these rules.

Qualified Trainer Signature

Date

**SECTION IV. TRAINING FOR CIVIL FACILITATIVE/HYBRID PROCESSES**

(Mediation, Mediation-Arbitration, Arbitration-Mediation, Mini-Trial, and Other Processes)

If you are requesting certification in this process area, include the following information.

1. Indicate *by name* the segments of the course agenda that deal with each of the following topics.
  - a) Conflict resolution and mediation theories, including: the principle of party self-determination, root causes of conflict, interest-based versus positional bargaining, models of conflict resolution, intercultural conflict, and mediator bias awareness and power dynamics.

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- b) Mediation skills and techniques, including information gathering skills, communication skills, problem solving skills, interaction skills, conflict management skills, negotiation strategies, caucusing, cultural and gender issues.

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- c) Components in the mediation process, including an introduction to the mediation process, information sharing, interest identification, option building, problem solving, agreement building, decision making, closure, drafting agreements, and evaluation of the mediation process.

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- d) Mediator conduct, including conflicts of interest, confidentiality and admissibility of evidence, neutrality, ethics, standards of practice, support of party self-determination, and mediator introduction pursuant to the Civil Mediation Act, Minn. Stat. § 572.31-.40.

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- e) Rules, statutes, and practices governing mediation in the trial court system, including ADR Rule 114, Special Rules of Court, and applicable statutes, including the Civil Mediation Act. This section must be taught by a Qualified Neutral providing ADR services in Minnesota pursuant to Rule 114.12, subd. 4(1)(2).

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- f) The importance of parties understanding and selecting the mediation model in which they are participating.

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- 4.  Total number of instruction hours (60 minutes of instruction - 1 credit hour)
- 5.  Number of hours of lecture (15 hour maximum)
- 6.  Number of hours of experiential learning (15 hour minimum)

**SECTION V. TRAINING FOR CIVIL ADJUDICATIVE/EVALUATIVE PROCESSES**

(Arbitration, Summary Jury Trial, Consensual Special Magistrate (CSM), Early Neutral Evaluation, Non-Binding Advisory Opinion, and Neutral Fact Finding Processes)

If you are requesting certification in this process area, include the following information.

- 1. Indicate *by name* the segments of the course agenda that deal with each of the following topics.

- a) Pre-hearing communications between parties, and between parties and Neutral.

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- b) Components of the hearing process including evidence; presentation of the case; witness, exhibits, and objectives; awards; and dismissals.

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- c) Settlement techniques.

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- d) Rules, statutes, and practices covering arbitration in the trial court system, including Supreme Court Alternative Dispute Resolution Rules, special rules of court and applicable state and federal statutes. This section must be taught by a Qualified Neutral providing ADR services in Minnesota pursuant to Rule 114.12, subd. 4(1)(2).

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- e) Management of presentations made during early neutral evaluation procedures and moderated settlement conferences.

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- 2.  Total number of instruction hours (60 minutes of instruction - 1 credit hour)
- 3.  Number of hours of classroom training (6 hour minimum)

**SECTION VI. COURSE OUTLINE**

Include a course agenda/brochure with this completed form. A course agenda should indicate the time allocations and subject matter of each segment of the course.

**SECTION VII. EVALUATION FORMS**

- Participant critique submitted at end of session
- Survey to be sent out after program
- Other (specify): \_\_\_\_\_

**SECTION VIII. COURSE MATERIALS**

Submit copies of all course materials to be provided to participants (including evaluation forms).

\_\_\_\_\_  
*Petitioner's Signature*

\_\_\_\_\_  
*Date*



**DIRECTIONS:** Complete this form and send it with supporting materials to:

**ADR@courts.state.mn.us**

This form will be returned to applicant after review.  
The following section will be completed to indicate whether the course is certified.

**DO NOT WRITE BELOW THIS LINE - FOR USE BY LCD**

Approved for credit hours of training for:

# of hours

Civil Facilitative/Hybrid

(Mediation, Mediation-Arbitration, Arbitration-Mediation, Mini-Trial, and Other Processes)

# of hours

Civil Adjudicative/Evaluative

(Arbitration, Summary Jury Trial, Consensual Special Magistrate (CSM), Early Neutral Evaluation, Non-Binding Advisory Opinion, and Natural Fact Finding Processes)

Not approved for the following reason(s): \_\_\_\_\_

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*Kirsten Stockwell, ADR Program Manager*  
Alternative Dispute Resolution

*Date*