

1 Rule 4-510.01. Alternative dispute resolution definitions.

2 Intent:

3 To establish definitions for the Alternative Dispute Resolution (ADR) Program.

4 Applicability:

5 This rule applies in the district court.

6 Statement of the Rule:

7 ~~(1)~~ Definitions. As used in Rules 4-510.01 through 4-510.06:

8 (1)~~(A)~~ "ADR" means alternative dispute resolution and includes arbitration,
9 mediation, and other means of dispute resolution, other than court trial, authorized by
10 this rule and URCADR.

11 ~~(1)(B)~~ ~~(2)~~ "ADR program" means the alternative dispute resolution program.

12 ~~(1)(C)~~ ~~(3)~~ "Binding arbitration" means an ADR proceeding in which the award is final
13 and enforceable as any other judgment in a civil action unless vacated or modified by a
14 court pursuant to statute, and in which the award is not subject to a demand for a trial
15 de novo.

16 ~~(1)(D)~~ ~~(4)~~ "Collaborative Law" is a process in which the parties and their counsel
17 agree in writing to use their best efforts and make a good faith effort to resolve their
18 divorce, paternity, or annulment action by agreement without resorting to judicial
19 intervention except to have the court approve the settlement agreement and sign orders
20 required by law to effectuate the agreement of the parties. The parties' counsel may not
21 serve thereafter as litigation counsel except to obtain court approval of the settlement
22 agreement.

23 ~~(1)(E)~~ ~~(5)~~ "Court Qualified Mediator" means a mediator who is currently on the Utah
24 Court Approved ADR Roster or who for some reason cannot join the roster due to a
25 conflict of interest but meets all of the requirements to be on the Utah Court Approved
26 ADR Roster.

27 ~~(1)(F)~~ ~~(6)~~ "Director" means the Director of Dispute Resolution Programs.

28 ~~(1)(G)~~ ~~(7)~~ "Domestic Mentor" means a mediator who has completed 300 hours in
29 conducting mediation in domestic cases and completed a domestic mentor orientation.

30 ~~(1)(H)~~(8) "Master Mediator" means a provider who has completed 300 hours in
31 conducting mediation sessions documented as required by the director. A master
32 mediator may also act as a "Primary Trainer."

33 ~~(1)(I)~~(9) "Nonbinding arbitration" means an ADR proceeding in which the award is
34 subject to a trial de novo;

35 ~~(1)(J)~~(10) "Primary Trainer" means a provider who qualifies as a "Master Mediator"
36 on the court roster or a person with equivalent experience researching and teaching the
37 theory and practice of alternative dispute resolution and may oversee mediation training
38 that fulfills the court's 40-hour mediator training requirement for the roster.

39 ~~(1)(K)~~(11) "Roster" means the list of those persons qualified to provide services
40 under the ADR program, and includes the information supplied by such persons
41 pursuant to paragraph (3)(A)(i) of this rule.

42 ~~(1)(L)~~(12) "URCADR" or "Utah Rules of Court-Annexed Alternative Dispute
43 Resolution" means the rules adopted by the Utah Supreme Court which govern the
44 ADR program.

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