



**The Oklahoma Act**

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**Purpose**

**§1801. Purpose of Act-Short title**

The Legislature is aware of the fact that many disputes arise between citizens of this state which are of small social or economic magnitude and can be both costly and time consuming if resolved through a formal judicial proceeding. Many times such disputes can be resolved in a fair and equitable manner through less formal proceedings. Such proceedings can also help alleviate the backlog of cases which burden the judicial system in the state. It is therefore the purpose of this act to provide to all citizens of this state convenient access to dispute resolution proceedings which are fair, effective, inexpensive, and expeditious.

Sections 1 through 6 of this act shall be known and may be cited as the "Dispute Resolution Act".<sup>1</sup> Laws 1983, c. 78, § 1, operative July 1, 1983.

<sup>1</sup> Title 12, § 1801 et seq.



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## Definitions

### § 1802. Definitions

As used in the Dispute Resolution Act: <sup>1</sup>

1. "Initiating party" means the party who first seeks mediation.
2. "Mediation" means the process of resolving a dispute with the assistance of a mediator outside of a formal court proceeding.
3. "Mediator" means any person certified pursuant to the provisions of the Dispute Resolution Act or the District Court Mediation Act to assist in the resolution of a dispute.
4. "Party" means an individual person, company, or governmental agency.
5. "Resolution" means the final determination of the dispute, arrived at by the parties upon their own initiative or by anyone authorized in writing to act on their behalf or with the help of a mediator.
6. "Responding party" means the party who is named by the initiating party as the other party in a dispute where mediation is sought.

Laws 1983, c. 78, §2, operative July 1, 1983; Laws 2000, c. 323, § 1 eff. Nov. 1, 2000.

<sup>1</sup> Title 12, § 1821 et seq.

## Mediation Services Rules

### § 1803. Programs for Mediation Services-Rules and Regulations

- A. Any county, municipality, accredited law school or agency of this state is hereby authorized to establish programs for the purpose of providing mediation services pursuant to the provisions of the Dispute Resolution Act,<sup>1</sup> to be administered and supervised under the direction of the Administrative Director of the Courts. The Administrative Director shall promulgate rules and regulations,<sup>2</sup> subject to the approval of the Supreme Court of the State of Oklahoma, to effectuate the purposes of the Dispute Resolution Act.
- B. Mediation pursuant to the provisions of the Dispute Resolution Act shall be available to any party eligible according to the jurisdictional guidelines established by the Administrative Director. The company or governmental agency shall be represented in mediation by a person authorized in writing to act in behalf of such entity to the extent necessary to arrive at a resolution pursuant to the provisions of the Dispute Resolution Act.



**Mediation  
Services  
Rules**  
(Continued)

- C. Mediators participating in a program sponsored by a state agency are deemed an employee of the agency solely for the limited purpose of Section 20f of Title 74 of the Oklahoma Statutes.
  
- D. Such rules and regulations shall include:
  - 1. Qualifications to certify mediators to assure their competence and impartiality; and
  - 2. Jurisdictional guidelines including types of disputes which may be subject to the Dispute Resolution Act; and
  - 3. Standard procedures for mediation which shall be complied with in all mediation proceedings; and
  - 4. A method by which a court may grant a continuance in contemplation of dismissal on the condition that the defendant in a criminal action or the plaintiff and defendant in a civil action participate in mediation and a resolution is reached by the parties; and
  - 5. A form for a written agreement for participation in mediation; and
  - 6. A form for a written record of the termination of mediation.

Laws 1983, c. 78, § 3, operative July 1, 1983. Laws 1985, c. 260, § 1, eff. Nov. 1, 1985; Laws 1986, c. 231, § 3, emerg. eff. June 10, 1986.

<sup>1</sup> Title 12, § 1801 et seq.

<sup>2</sup> The Rules and Procedures for the Dispute Resolution Act are set forth in the Rules portion of the volume, *infra*. See Table of Contents.

**Advisory  
Board**

**§ 1803.1 Dispute Resolution Advisory Board**

There is hereby created a Dispute Resolution Advisory Board which shall consist of no more than fifteen (15) members appointed by the Supreme Court of the State of Oklahoma. The Advisory Board shall be composed of persons from state and local governments, business organizations, the academic community, the law enforcement field, the legal profession, the judiciary, the field of corrections which shall be represented by the Director of the Oklahoma Department of Corrections or his designee, retired citizen organizations, the district attorney profession, consumer organizations, social service agencies, and three (3) members at large. The term of office of each member shall be for one (1) year and end on June 30 of each year, but all members shall hold office until their successors are appointed and qualified.



**Advisory Board**  
(Continued)

The Administrative Director of the Courts or his designee shall serve as a non-voting, ex officio member of the Advisory Board.

The members of the Advisory Board shall receive no compensation for their services, but shall be entitled to any reimbursements to which they may otherwise be entitled from sources other than the Office of the Administrative Director of the Courts.

Laws 1985, c. 260, § 2, eff. Nov. 1, 1985.

**Consent to Mediate**

**§1804. Written consent to dispute resolution proceedings**

- A. Prior to commencement of any dispute resolution proceedings, the disputing parties shall enter into a written consent which specifies the method by which the parties shall attempt to resolve the issues in dispute.
- B. The written consent shall be in a form prescribed by the Administrative Director of the Courts and shall include the following:
  - 1. The rights and obligations of all parties pursuant to the provisions of the Dispute Resolution Act:<sup>1</sup> and
  - 2. The confidentiality of the proceedings.
- C. If the parties agree to have the resolution reduced to written form, a copy shall be provided to the parties.

Laws 1983, c. 78, § 4, operative July 1, 1983.

**Confidentiality**

**§ 1805. Confidentiality of Proceedings-Disclosure-Civil Liability-Waiver of privilege**

- A. Any information received by a mediator or a person employed to assist a mediator, through files, reports, interviews, memoranda, case summaries, or notes and work products of the mediator, is privileged and confidential.
- B. No part of the proceeding shall be considered a matter of public record.



**Confidentiality**  
(Continued)

C. No mediator, initiating party, or responding party in a mediation proceeding shall be subject to administrative or judicial process requiring disclosure of any matters discussed or shall disclose any information obtained during any part of the mediation proceedings.

D. Each mediation session shall be informal. No adjudication sanction or penalty may be made or imposed by the mediator or the program.

E. No mediator, employee, or agent of a mediator shall be held liable for civil damages for any statement or decision made in the process of mediating or settling a dispute unless the action of such person was a result of gross negligence with malicious purpose or in a manner exhibiting willful disregard of the rights, safety, or property of any party to the mediation.

F. If a party who has participated in mediation brings an action for damages against a mediator arising out of mediation, for purposes of that action the privilege provided for in subsection A of this section shall be deemed to be waived as to the party bringing the action.

Laws 1983, c. 78 § 5, operative July 1, 1983.

**Statute of  
Limitations**

**§ 1806. Tolling statute of limitation**

During the period of the mediation, any applicable statute of limitation shall be tolled as to the participants. Such tolling shall commence on the date the parties agree in writing to participate in mediation and shall end on the date mediation is officially terminated by the mediator.

A defendant in a criminal action shall be deemed to have waived his right to a speedy trial during the period of time he is participating in a mediation proceeding.

Laws 1983, c. 78, § 6, operative July 1, 1983.

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**Definitions**

**§ 1807. Definitions**

As used in Sections 3 through 9 of this act:<sup>1</sup>

1. "Administrator" means any county, municipality, or agency of this state that administers a community dispute resolution center pursuant to the provisions of the act.
2. "Center" means a community-based facility which provides dispute resolution services consisting of conciliation, mediation, arbitration, facilitation, or other forms and techniques of dispute resolution.
3. "Director" means the Administrative Director of the Courts.

Laws 1985, c. 260, § 3, eff. Nov. 1, 1985.

<sup>1</sup> Title 12, §§ 1801 to 1813.

**Administration  
Of Programs**

**§ 1808. Administration of programs**

A. Programs established pursuant to the provisions of Section 1803 of Title 12 of the Oklahoma Statutes shall be administered and supervised by the Director to ensure the stability and continuance of dispute resolution centers.

B. Every center shall be operated by an administrator and shall be established on the basis of community need as determined by the Director.

C. All centers shall be operated pursuant to a contract with the Director and shall comply with the provisions of the Dispute Resolution Act and the provisions of this act.

Laws 1985, c. 260, § 4, eff. Nov. 1, 1985.

<sup>1</sup> Title 12, § 1801 et seq.

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**Revolving  
Fund/Court  
Cost**

**§ 1809. Collection and disposition of court costs and fees**

Section 1

- A. To establish and maintain an alternative dispute resolution system, court costs in the amount of seven dollars (\$7.00) shall be taxed, collected, and paid as other court costs in all civil cases.

The fee of an initiating or responding party shall be waived by the center upon receipt of an affidavit in forma pauperis executed under oath by such party.

- B. The court costs and fees provided for in subsection A of this section, once collected, shall be transferred by the court clerk to the Director who shall deposit them in the Dispute Resolution System Revolving Fund referenced in section 2 of this act.

Laws 1985, c. 260, §5, eff. Nov. 1, 1985; Laws 1991, c.286, § 13, emerg. eff. May 29, 1991; Laws 1994, c. 225, § 1, eff. July 1, 1994; Laws 2004, c. 443, § 1, eff. July 1, 2004;Laws 2016, c. 362, § 1, eff. July 1, 2016; Laws 2019, c. 354, § 1, eff. July 1, 2019.

**§ 1809.1 Dispute Resolution System Revolving Fund**

Section 2

There is hereby created in the State Treasury a revolving fund for the Supreme Court to be designated the “Dispute Resolution System Revolving fund”. The fund shall be a continuing fund, not subject to the fiscal year limitations, and shall consist of all monies collected pursuant to Section 1809 of Title 12 of the Oklahoma Statutes. All monies accruing to the credit of the fund are hereby appropriated and shall be budgeted and expended by the Supreme Court as necessary to perform the duties imposed upon the Supreme Court to administer the Dispute Resolution Act by law.

Laws 2019, c. 354, § 2, eff. July 1, 2019.

**Funds  
Allocations**

**§ 1810. Allocation of funds**

- A. Monies in the Dispute Resolution System Revolving Fund shall be allocated by the Director to eligible centers for dispute resolution programs authorized pursuant to the provisions of this act.



**Funds Allocation**  
(Continued)

B. The Director shall determine the eligibility of a center for funding on the basis of an application submitted by the center.

2. The application for funding shall state:

- a. a description of the proposed community area of service;
- b. the cost of the principal components of operation;
- c. a description of available dispute resolution services and facilities within the defined geographic area;
- d. a description of the applicant's proposed program, by category and purpose, including evidence of community support, the present availability of resources, and the applicant's administrative capacity;
- e. a description of the efforts of cooperation between the applicant and the local human service and criminal justice agencies in dealing with program operations; and
- f. such additional information as may be required by the Director.

C. The provisions of this section shall not be construed to prohibit dispute resolution centers in existence prior to the effective date of this act from submitting an application for funding as provided for in subsection B of this section.

D. A center shall not be eligible for funds for dispute resolution programs unless it complies with the provisions of the Dispute Resolution Act.<sup>1</sup> the provisions of this act, and the rules and regulations promulgated by the Director.

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**Funds  
Allocation**  
(Continued)

E. Each center funded pursuant to the provisions of this section, annually, shall provide the Director with a written report containing statistical data regarding operational expenses, the number of referrals, the category or types of cases referred, the number of parties serviced, the number of disputes resolved, the nature of resolution, amount and types of awards, the rate of compliance, and such other data as may be required by the Director.

Laws 1985, c. 260 § 6, eff. Nov. 1, 1985.

<sup>1</sup> Title 12, § 1801 et seq.

**Funds  
Disbursement**

**§ 1811. Disbursement of Funds-Method of Reimbursement**

Upon approval of an application by the Director and at his direction, monies in the Dispute Resolution System Revolving Fund shall be disbursed to a center for operational costs of approved center programs. The method of reimbursement for dispute resolution program costs shall be specified by the Director pursuant to rules and regulations.

Laws 1985, c. 260, § 7, eff. Nov. 1, 1985.

**Director-  
Powers &  
Duties**

**§ 1812. Director-Powers and duties**

- A. The Director shall promulgate rules and regulations to implement the provisions of this act.
- B. The Director shall promulgate rules and regulations to effectuate the purposes of this act, which shall include provisions for periodic monitoring and evaluation of center programs.
- C. The Director may have such additional personnel as is necessary to implement the provisions of this act.

Added by Laws 1985, c. 260 § 8, eff. Nov. 1, 1985.

**Audit**

**§ 1813. Inspection examination and audit of centers**

The State Auditor and Inspector, annually, shall inspect, examine, and audit the Dispute Resolution System Revolving Fund and the fiscal affairs of centers.

Laws 1985, c. 260, § 9, eff. Nov. 1, 1985.



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## Rules and Procedures

### Purpose

#### Rule 1

The purpose of the rules and procedures cited herein is to implement and effectuate House Bill No. 1136 of the 39th Legislature which establishes the "Dispute Resolution Act," effective July 1, 1983, codified in the Oklahoma Statutes as Sections 1801 through 1806 of Title 12, and House bill No. 1552 of the 40th Legislature which amends the Dispute Resolution Act by providing a funding mechanism for dispute resolution programs. The statutorily expressed purpose of the initial act and the 1985 amendment (hereinafter collectively referred to as the "Act") is to provide all citizens of the State of Oklahoma with convenient access to dispute resolution proceedings which are fair, effective, inexpensive, and expeditious. The rules and procedures cited herein will satisfy the directive to the Supreme Court and the Administrative Director of the Courts imposed by the Act to promulgate rules and procedures to effectuate the purpose of the Act.

Adopted April 8, 1986; Revised April 20, 1989.

#### Rule 2

### Definitions

- A. Administrator - Any county, municipality, or agency of this state that administers a dispute resolution program or center for dispute resolution.
- B. Advisory Board - The Dispute Resolution Advisory Board established by 12 O.S. Supp. 1985, Section 1803.1 and appointed by the Supreme Court to advise the Director in matters pertaining to the establishment and maintenance of Dispute Resolution programs.
- C. Assisting Party - Anyone appearing on behalf or support of a party to mediation.
- D. Center - A community-based facility which provides dispute resolution services consisting of: mediation, conciliation, arbitration, facilitation or other forms and techniques of dispute resolution.
- E. Program Coordinator - The head of a certified dispute resolution program in this state.



**Rule 2**  
(Continued)

- F. Civil Action - Every action, other than criminal, is a civil action; see "Criminal action."
- G. Credentials - The minimum requirements for mediator certification set out in Rule II, "Qualifying as Mediator."
- H. Criminal Action - The proceeding by which a party is formally charged with a violation of the law of the state of Oklahoma or its political subdivisions.
- I. Director - The Administrative Director of the Courts.
- J. Initiating Party - The party who first seeks mediation.
- K. Initial Interview - The screening process used by mediation programs to determine if a dispute could best be handled by mediation.
- L. Mediation - The process of resolving a dispute with the assistance of a mediator, outside of a formal court proceeding.
- M. Mediator - Any person certified pursuant to the provisions of the Dispute Resolution Act or the District Court Mediation Act to assist in the resolution of a dispute.
- N. Party - An individual person, company, or governmental agency.
- O. Program - A dispute mediation program.
- P. Referral - The process by which agencies or individuals direct parties to an appropriate forum for resolution of their disputes.
- Q. Resolution - The final determination of the dispute, arrived at by the parties upon their own initiative, or by anyone authorized in writing to act on their behalf, or with the help of a mediator.
- R. Responding Party or Respondent - The party who is named by the initiating party as the other party in a dispute where mediation is sought.



**Rule 2**  
(Continued)

- S. Sponsoring Agency - Any county, municipality, accredited law school or agency of this state which is responsible for sponsoring the operation of a mediation program.
- T. Trainer - A person certified by the Director to train mediators.

Adopted April 8, 1986; Revised April 20, 1989.

**Rule 3**

**Procedure for Application and Certification**

- A. Proposed programs authorized by the Act may apply to the Director by submitting an application on prescribed forms provided by the Director.
- B. The Director shall require that applications submitted include the following:
  - 1. A description of the applicant's proposed program showing what kind of cases will be served, and how and whom the program will benefit;
  - 2. A description of the proposed community area of service and number of participants who may be served;
  - 3. A description of available dispute mediation or other resolution services and facilities within the service area;
  - 4. Evidence and description of potential support of civic groups, social service organizations, the criminal justice system, service area judges and other sources of community support with which the proposed program will establish a referral system;
  - 5. A description of the applicant's administrative procedures;
  - 6. The cost of each of the proposed program's components including the proposed compensation, if any, of employees;



**Rule 3**  
(Continued)

7. All sources and amounts of funding; and any additional information as may be required by the Director.
  8. Any additional information as may be required by the Director.
- C. Programs accepted for certification, or for certification and funding, shall be selected by the Director, with the recommendations of the Advisory Board, from applicants submitted. Each program shall be established on the basis of community need and available funding as determined by the Director.
  - D. Each program established will be operated pursuant to a written contract with the Director, to ensure stability and continuity of the Alternative Dispute Resolution System plan. A dispute mediation program shall not contract with the Director nor be eligible for certification or funding unless it complies with the provisions of the Act and the Oklahoma Rules and Procedures for the Dispute Resolution Act promulgated by the Director.
  - E. Each program established shall be supervised by a program coordinator appointed by the Administrator. The Coordinator shall be knowledgeable about dispute mediation and the community resources of the service area in which the program is located. The program coordinator is responsible for the selection and supervision of the program's paid and volunteer staff.

Adopted April 8, 1986; Revised April 20, 1989.

**Rule 4**

**Funding**

- A. The Administrative Office of the Courts may receive and disburse federal funds for the purposes of the Act, and perform services and acts as may be necessary for the receipt and disbursement of such federal funds.



**Rule 4**  
(Continued)

- B. To establish and maintain the Alternative Dispute Resolution System in the state, funds will be collected in every civil case in which costs are collected as provided by statute. In addition, each center shall collect a fee in a manner provided by statute from both the initiating and responding parties in a dispute to be mediated; however, if an affidavit in forma pauperis is executed under oath by a party, said party's fee shall be waived. Personal checks, cashier checks or money orders shall be made payable to the program providing the mediation service.
- C. All court costs and fees collected under this rule, shall be paid on a monthly basis from the program account to the Director who shall deposit said funds in the Dispute Resolution System Revolving Fund.
- D. Fees waived due to the filing of an affidavit in forma pauperis shall be recorded by the court clerk as waived, and the number of cases for which costs are so waived is to be listed in the column provided on the monthly collection's report provided by the Director.
- E. The Dispute Resolution System Revolving Fund shall be established in the State Treasury to be budgeted and expended by the State Supreme Court by and through the Director according to methods and purposes outlined in the Act.
- F. When dispute mediation services are sought; the statutory fee shall be assessed by the local dispute mediation center.
- G. Except for the court costs and fees provided for under this rule, dispute mediation services shall be provided without cost to participants by all programs certified under the Act.



**Rule 4**  
(Continued)

- H. Upon the approval of the Director, all funds in the Dispute Resolution System Revolving Fund shall be used for the costs of operations of approved programs. The methods of payment or reimbursement for dispute mediation costs shall be specified by the Administrative Office of the Courts and may vary. All such arrangements shall conform to the eligibility criteria of the Act and these rules and procedures.
- I. The funding from the Revolving Fund of the cost of any dispute mediation program approved by the Director may not exceed fifty percent (50%) of the approved projected cost of the program, except for programs in municipalities for counties where the population is 100,000 or less. In areas of less than 100,000 population, funding will be based on merit, and consideration will be given to exceeding the 50% funding limit. The program may fund the total of its own expense from federal monies, grants, donations, endowments or other private or public funds.

Adopted April 8, 1986; Revised April 20, 1989.

**Rule 5**

**Dispute Resolution Advisory Board**

- A. The Supreme Court shall establish a Dispute Resolution Advisory Board, which shall:
  - 1. Advise the Director with respect to the policy development and administration of the Act;
  - 2. Assist the Director in providing technical assistance to jurisdictions requesting the study and/or development of dispute mediation programs;
  - 3. Consult with appropriate and necessary state agencies and offices to promote a cooperative and comprehensive implementation of the Act;
  - 4. Assist the Director with the review, supervision, and evaluation of dispute mediation programs; and



**Rule 5**  
(Continued)

5. Make recommendations to the Director pertaining to legislation affecting dispute mediation and other forms of dispute resolution.
- B. The Advisory Board shall be formed according to the Act. One member shall be designated by the Supreme Court as chairperson. The chairperson shall name a vice-chair and a secretary, subject to the approval of the Advisory Board. Any individual who is directly involved with an existing dispute mediation program may serve on the Advisory Board but may not vote on issues of funding or any other issue where the chairperson believes there to be a conflict of interest.
- C. No Advisory Board member shall receive from any source compensation of any kind, direct or indirect, from serving as a consultant or trainer to any entity, or portion thereof, receiving certification or funding as an approved dispute resolution program as determined by the Director.
- D. The Advisory Board meeting procedures shall be based on Robert's Rules of Order.
- E. The Advisory Board may adopt rules as deemed necessary and shall keep a record of its resolutions, transactions, findings, and determinations in the form of minutes.
- F. A quorum shall consist of five members of the Advisory Board.
- G. The appointment of any Board member having more than three consecutive unexcused absences from the monthly meeting shall be terminated and the position declared vacant.
- H. The Advisory Board may create and fill such committees as it may determine are necessary for the performance of its functions. It may hold meetings with the Director and/or additional personnel of the Supreme Court to review issues when deemed necessary.





**Rule 5**  
(Continued)

- I. Each appointed Board member must file a loyalty oath and receive an oath of office.

Adopted April 8, 1986; Revised April 20, 1989.

**Rule 6**

**Program Procedures**

- A. Each approved program shall establish written policies and procedures in accordance with the Act and the rules herein and subject to the review and approval of the Director. These policies and procedures shall cover but are not limited to the following:
  1. Office procedures,
  2. Referrals,
  3. Initial contacts,
  4. Initial interviews,
  5. Training of mediators,
  6. Assignment of mediators,
  7. Other volunteer assignments,
  8. Training of other volunteer help,
  9. Conducting the mediation session,
  10. Reporting, and
  11. Follow-up.

Adopted April 8, 1986; Revised April 20, 1989.

**Rule 7**

**Referral**

- A. Each dispute mediation program operating under the authority of the Act and the Oklahoma Rules and Procedures for the Dispute Resolution Act shall develop policies and procedures for accepting and making referrals.
- B. Depending upon the program's purpose or area of concentration, cases may be received from different referral sources such as:
  1. Law Enforcement,
  2. District Attorney,
  3. City Attorney,
  4. Legal Aid,



**Rule 7**  
(Continued)

5. News media,
  6. Consumer protection agencies,
  7. Judges,
  8. Attorneys, and
  9. Social service agencies.
- C. If a program encounters disputes which, or parties who, require attention beyond the scope of the services provided by the program, it may make referrals.
- D. Each local court shall establish procedures under which certain cases shall be referred to certified mediation programs. These procedures shall include a method by which a court may grant a continuance in contemplation of a dismissal of the action.

The types of disputes which may be referred by the court shall include but not be limited to:

1. Criminal matters such as misdemeanors and non-violent felonies;
2. Civil cases coming under the small claims jurisdictional requirements, as set forth in 12 O.S. Suppl. 1983, Section 1751;
3. Consumer concerns such as consumer complaints involving goods and services provided by business;
4. Domestic problems such as divorce, legal separation, child custody, visitation, spousal maintenance, and family crisis intervention;
5. Housing disputes such as landlord-tenant and neighbor problems;
6. Employment matters such as compensation, working conditions and termination disputes; and
7. Debtor-creditor negotiations.



**Rule 7**  
(Continued)

- E. A case may be referred to mediation by stipulation of the parties with the approval of the court, or in accordance with the method set forth in Section D. When referred by a court, every action subject to Rule 7D shall be referred to the program coordinator by the court or the clerk of the court within fifteen (15) days according to procedures selected by the program.
- F. Each certified program shall keep records of all referrals by category, source, name and number.

Adopted April 8, 1986; Revised April 20, 1989.

**Rule 8**

**Selection of Cases/Initial Interview**

- A. Each certified program shall effect a criterion for selecting referred cases for mediation and shall formalize such criteria in writing. Said criteria shall include the purpose, scope, and jurisdiction of the program and the types of cases to be accepted.
- B. An initial interview will be conducted on every dispute referred to dispute resolution programs that operate under the authority of the Act and the Oklahoma Rules and Procedures for the Dispute Resolution Act. The interview is for the purpose of determining the identity of the parties, if the matter is appropriate for mediation and if the parties are capable of meaningful participation in the mediation process.

**Rule 9**

**Preliminary Procedures**

- A. Once the determination is made that both parties are amenable to mediation, the program coordinator or designee shall set a time and place for a session and notify the mediator and parties.
- B. The program coordinator shall determine, if possible, all parties who will be attending the mediation session so as to schedule size of room and any special equipment needed. The parties may provide an assisting party at their own expense.



**Rule 9  
(Continued)**

- C. Prior to commencement of the mediation session, all parties will execute an agreement to mediate. See Appendix B.
- D. Prior to commencement of the mediation session, any individual attending a mediation session other than the parties and those persons affiliated with the program, will execute an agreement to abide by these Rules and the provisions of the Act. See Appendix C.
- E. The date of the mediation session may be continued on the request of the mediator, initiating party, respondent or program coordinator.

Adopted April 8, 1986; Revised April 20, 1989.

**Rule 10**

**Rules of Conduct for Outside Parties Attending Mediation Hearing**

- A. All persons attending a mediation session shall respect and maintain the total confidentiality of the session.
- B. When one party in a mediation session requests an assisting party, the following rules must be outlined and agreed to by the assisting party prior to initiating the mediation session:
  - 1. An assisting party may advise only his/her client. The assisting party shall speak only with the mediator or his/her client and cannot interrogate the opposing party during the mediation session.
  - 2. The party without an assisting person present must consent to allowing the other person's assisting party in the mediation session, or be given an opportunity to secure his/her own assisting party to be present during the mediation session.
  - 3. If a party who is without an assisting party refuses to participate in mediation due to the presence of another's assisting party, no mediation session will be conducted.



**Rule 10**  
(Continued)

- C. If a party requests a non-assisting friend or relative to attend the session, attendance shall be allowed only if agreed upon in advance by the other party and is not in violation with program policy. The person may then be in the room but in no way may interrupt, or interfere with proceedings. Such a person shall not be heard nor allowed to display distracting behavior.
- D. If the mediating parties agree, a neutral third party may serve as a resource person for the mediator and the parties. Such a person shall participate only on request and must remain impartial.
- E. Mediation sessions shall not be filmed, taped, or otherwise recorded.
- F. All notes or other writings produced by the mediator or any other person while a mediation is in session shall be collected by the mediator at the end of each session and held in a confidential file until the mediation process is completed. When the mediation process is completed, whether or not an agreement is reached, all notes and other writings produced while a mediation is in session, except the written agreement or memorandum of understanding, shall be destroyed.

Adopted April 8, 1986; Revised April 20, 1989. Amended by order of Jan. 23, 2006.

**Rule 11**

**Qualifying as Mediator**

- A. Initial qualification as a mediator is obtained through state certification. Certification is granted when a mediator has obtained the following:
  - 1. Sponsorship and approval by a dispute mediation program that is certified under the Act;
  - 2. At least 20 hours of initial mediator training, which shall include instruction and practice in the introduction to mediation, calming techniques, listening skills, negotiations, holding private meetings within mediation, working toward an agreement, specifying terms in an agreement, and other requirements as specified by a program and/or Director;



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**Rule 11**  
**(Continued)**

3. A written recommendation by the state certified trainer who conducted the initial training and has observed the individual acting as a mediator in a mock mediation;
4. Observation of a certified mediator during an actual mediation;
5. An actual mediation conducted while observed by a certified mediator or program coordinator;
6. Written approval of the sponsoring program's Coordinator; and
7. Approval by the Director based on recommendations by the state certified trainer under whom initial training was obtained and by the program coordinator of the sponsoring program.

B. Continuing qualifications as a mediator:

To maintain qualification, mediators must be reviewed and re-approved by their program coordinator and by the Director each fiscal year. To be eligible for continuing mediator certification, the mediator shall have, during the reporting period, ten hours of program sponsored service as a mediator or co-mediator in a program certified under the Act, and a program evaluation of "satisfactory" as a mediator, or less than ten hours of program sponsored service as a mediator or co-mediator plus participation during the reporting period in subject related continuing education activities which may include coursework in related areas at a college or professional school, dispute resolution conference attendance, additional or refresher mediator training, and a program evaluation of "satisfactory" as a mediator.

C. Initial qualification as a family and divorce mediator is obtained through state certification. Certification as a Family and Divorce Mediator is granted when a mediator candidate has obtained the following:



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**Rule 11**  
**(Continued)**

1. Sponsorship and approval by a community-based dispute mediation program that is certified under the Act;
2. A signed commitment to provide 8 hours of service per month or 80 hours of service per year as a mediator, training coach, mentor, peer evaluator, or other service at the discretion of the program coordinator;
3. At least 40 hours of family and divorce mediator training, which shall include instruction and practice in the mediation process—stages of mediated problem solving, communication and conciliation skills, negotiation, holding private meetings within mediation, conflict analysis and design of mediation strategies, legal aspects of divorce and custody issues, approaches to parenting and property and financial issues, dealing with deadlocks in mediation, psychological issues of divorce, mediator power and influence, reaching closure and writing agreements, and ethical issues in mediation.
4. A written recommendation by the state certified family and divorce mediation trainer who conducted the specialized training and has observed the individual acting as a mediator in a mock mediation.
5. Mediation and/or co-mediation of 3 to 5 actual family and divorce mediations, a minimum of 12 clock hours conducting family and divorce mediation while supervised by the program coordinator or a certified family and divorce mediator designated by the program coordinator.
6. Written approval of the sponsoring program's coordinator; and
7. Approval by the Director based on recommendations by the state certified trainer under whom initial training was obtained and by the Program Coordinator of the sponsoring program.



**Rule 11**  
(Continued)

D. Continuing qualifications as a family and divorce mediator:

1. To maintain qualification, family and divorce mediators must be reviewed and re-approved by their program coordinator and by the Director each fiscal year. To be eligible for continuing certification, the mediator shall have, during the reporting period, eighty hours of program sponsored service as mediator or co-mediator in a program certified under the Act, and a program evaluation of “satisfactory” as a mediator, or less than eighty hours of program sponsored service as a family and divorce mediator or co-mediator plus service as a training coach, mentor, or peer evaluator, or participation during the reporting period in subject related continuing education activities which may include dispute resolution conference attendance, additional or refresher mediator training, and a program evaluation of “satisfactory” as a family and divorce mediator. This program evaluation is to be based on a rating of “satisfactory” following at least one observation annually by the program coordinator or his/her designated peer evaluator of the family and divorce mediator; ongoing evaluation of mediator performance through exit surveys completed by parties, attorneys, evaluators, if present, and the mediator; and fulfillment of the volunteer’s service commitment.

E. Agency and mediator credentials are open for inspection in the office of the Director.

F. An individual without satisfactory credentials on file in the office of the Director is not eligible to receive the benefits and protections of the Act.

Adopted April 8, 1986; Revised April 20, 1989; Amended eff. March 14, 1996.

**Rule 12**

**Mediator Training**

- A. To insure statewide continuity, all dispute mediation training to obtain initial certification shall be accomplished by state certified mediation trainers and shall be subject to the review of and supervision by the Director.





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**Rule 12**  
**(Continued)**

- B. Each approved mediation program may train as many mediators as needed for services within programs in their service area.
- C. There shall be no cost to the mediator trainee for the mediation training unless a special exception is requested from and approved from the Director.
- D. Mediators are not restricted to persons with prior training in the law or social services. They may have varied backgrounds, but should possess a tolerance for structure, flexibility, and a belief in the capability of an individual to suggest and jointly negotiate and agree to solutions to his or her own problem.
- E. It shall be the responsibility of the Director to determine the qualifications of mediation trainers and to be certain that those instructors are able to provide training that is comprehensive and timely.

Adopted April 8, 1986; Revised April 20, 1989.

**Rule 13**

**Reports and Evaluation**

- A. Each dispute mediation program operating under the authority of the Act shall establish a mechanism for the effective compilation and reporting of information which is useful in the computation of statewide statistics regarding dispute mediation.
- B. It shall be the responsibility of each certified dispute mediation program in the state to keep program statistics as required by the Oklahoma Rules and Procedures for the Dispute Resolution Act and the Director.
- C. Each certified program shall submit an annual report to the Director no later than July 30 of each year.



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**Rule 13**  
**(Continued)**

- D. The report must include the following information:
  - 1. The name and nature of the sponsoring agency.
  - 2. The amount of, and purpose for which, all monies budgeted or earmarked for dispute mediation were expended.
  - 3. A list of qualified mediators, any additional training each received how many mediation sessions each conducted and the number of those sessions where a resolution was achieved.
  - 4. Statistical program information requested by the Director on a form provided by the Director.
- E. Each certified dispute mediation program in this state shall be subject to periodic evaluations by the Director.

Adopted April 8, 1986; Revised April 20, 1989.

**Rule 14**

**Complaint Procedures**

- A. Any person making an allegation against a certified program, program coordinator, program sponsored mediator, certified trainer or any staff member concerning the performance of their duties, shall be filed with the Director.
- B. The Director shall assign the investigation of merited complaints to an ad hoc, five-member investigating committee. At least three members of each investigating committee shall be members of the Dispute Resolution Advisory Board. Legal counsel from the Director's office shall assist the investigating committee in conducting their investigations.
- C. The investigating committee shall conduct inquiries as needed and shall report their findings and recommendations to the Supreme Court through the Director.

Adopted April 8, 1986; Revised April 20, 1989.



**Rule 15**

**Amendment of Rules and Procedures**

Proposals for the amending, altering, changing or repealing of the Oklahoma Rules and Procedures for Dispute Resolution Act may be made at any time by a vote of the majority of the members of the Advisory Board created by Rule 5, at any regular meeting of said Board or at any special meeting of said Board called for that purpose. The recommendation will be submitted to the Supreme Court for final approval. If required approval is received, the proposal will become effective on the date reflected in the statement of proposal.

Adopted April 8, 1986; Revised April 20, 1989.

Appendix A – Code of Professional Conduct for Mediators  
**(See Section 2)**

Appendix B – Consent to Mediate  
**(See Section 7)**

Appendix C – Rule 10 – Confidentiality of Proceedings  
**(See Section 7)**

Appendix D – Record of Termination  
**(See Section 7)**

Notes: \_\_\_\_\_  
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