

**PROPOSED AMENDMENTS TO THE RULES OF SUPERINTENDENCE  
FOR THE COURTS OF OHIO**

Comments Requested: The Supreme Court of Ohio will accept public comments until June 20, 2018, on the following proposed amendments to the Rules of Superintendence for the Courts of Ohio.

Comments on the proposed amendments should be submitted in writing to: Catherine Geyer, Manager of Dispute Resolution Section, Supreme Court of Ohio, 65 South Front Street, 6th Floor, Columbus, Ohio 43215-3431, or GCRSComments@sc.ohio.gov not later than June 20, 2018. Please include your full name and mailing address in any comments submitted by e-mail.

Key to Proposed Amendment:

1. Existing language appears in regular type. Example: text
2. Existing language to be deleted appears in strikethrough. Example: ~~text~~
3. New language to be added appears in underline. Example: text

1                                   **RULES OF SUPERINTENDENCE FOR THE COURTS OF OHIO**

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3   **RULE 16.02.     Duties and Authority.**

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5   **(A)     Duties**

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7       (1)     The Commission on Dispute Resolution shall advise the Supreme Court and its  
8       staff on all of the following:

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10           ~~(1)~~(a)   The promotion of statewide rules and uniform standards concerning the use  
11           of dispute resolution in Ohio courts;

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13           ~~(2)~~(b)   The development and delivery of dispute resolution education and  
14           professional development activities for judges, magistrates, court personnel,  
15           attorneys, and court-affiliated dispute resolution professionals;

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17           ~~(3)~~(c)   The development and delivery of dispute resolution services for disputes  
18           arising among state, county, and local public officials throughout Ohio;

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20           ~~(4)~~(d)   The consideration of any other issues the commission deems necessary to  
21           assist the Supreme Court and its staff regarding the development and delivery of  
22           dispute resolution programs and services.

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24       (2)     The Commission on Dispute Resolution shall operate the Government Conflict  
25       Resolution Services Program pursuant to Sup. R. 16.20 through 16.24.

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27   **(B)     Authority**

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29       The commission shall have no independent policy-setting authority.

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32   **Sup.R. 16.20.     Definitions.**

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34   As used in Sup.R. 16.20 through 16.24:

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36   **(A)     Facilitation**

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38       “Facilitation” means a process in which a neutral party moderates discussions by ensuring  
39       the fluid and orderly exchange of information and ideas from all participants and that is  
40       primarily concerned with assisting individuals in refining their communication and  
41       organizational skills so that they may learn to work more efficiently with one another in a  
42       group setting.

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47 **(B) Mediation**

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49 “Mediation” means a process in which a neutral third party helps the parties communicate  
50 and negotiate with each other to help them reach a voluntary agreement regarding their  
51 dispute by helping the parties clarify their positions and interests, identifying underlying  
52 concerns, and creating practical solutions for resolving their dispute.  
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54 **(C) Neutral evaluation**

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56 “Neutral evaluation” means a process in which the parties to a dispute present their claims  
57 or defenses and describe the principal evidence on which their claims or defenses are based  
58 to a neutral third party who then shares impressions about the strengths and weaknesses of  
59 each matter.  
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62 **Sup.R. 16.21. Government Conflict Resolution Services Program.**

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64 **(A) Creation**

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66 There is hereby established the Government Conflict Resolution Services Program. The  
67 program shall assist local, county, and state public officials in resolving and preventing  
68 conflicts concerning administrative matters, including but not limited to the following:  
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- 70 (1) Fiscal and budget issues;  
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72 (2) Operations management issues;  
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74 (3) Facilities maintenance issues;  
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76 (4) Other organizational issues.  
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78 **(B) Services**

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80 The Government Conflict Resolution Services Program shall provide mediation,  
81 facilitation, and neutral evaluation at no cost.  
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83 **(C) Uniform Mediation Act**

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85 Mediation conducted by the Government Conflict Resolution Services Program shall be  
86 governed by R.C. Chapter 2710.  
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94 **Sup.R. 16.22. Privilege.**

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96 **(A) General and exception**

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98 Except as provided in R.C. 2710.05, mediation communications in connection with the  
99 Government Conflict Resolution Services Program are privileged pursuant to R.C.  
100 2710.03.

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102 **(B) Waiver**

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104 Mediation communications in connection with the Government Conflict Resolution  
105 Services Program may be waived pursuant to R.C. 2710.04.

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108 **Sup.R. 16.23. Confidentiality.**

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110 **(A) General**

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112 Mediation communications in connection with the Government Conflict Resolution  
113 Services Program are confidential pursuant to R.C. 2710.07. No one shall disclose such  
114 communications unless all mediation parties and the mediator consent to disclosure in  
115 writing or on the record in open court.

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117 **(B) Exceptions to confidentiality**

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119 Mediation parties may share mediation communications with their attorneys.

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122 **Sup.R. 16.24. Public Access to Information.**

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124 Information collected from or generated by participating parties in connection with the  
125 Government Conflict Resolution Services Program shall not be available for public access  
126 pursuant to Sup.R. 44 through 47.