

In the  
Indiana Supreme Court



Cause No. 20S-MS-1

Order Amending Rules for Alternative Dispute Resolution

Under the authority vested in this Court to provide by rule for the procedure employed in all courts of this state and this Court's inherent authority to supervise the administration of all courts of this state, Indiana Alternative Dispute Resolution Rule 8.3 is amended as follows (deletions shown by ~~striking~~ and new text shown by underlining):

...

**Rule 8.3. Agreement to Mediate.**

Before beginning a mediation under this Rule, participants must sign a written Agreement To Mediate substantially similar to the one shown as Form A to these rules. This agreement must provide for confidentiality in accordance with Alternative Dispute Resolution Rule 2.11; it must acknowledge judicial immunity of the mediator equivalent to that provided in Alternative Dispute Resolution Rule 1.5; and it must require that all provisions of any resulting mediation settlement agreement must be written and signed by each person and any attorneys participating in the mediation.

Persons participating in mediation under this Rule shall have the same ability afforded litigants under Trial Rule 26(B)(2) of the Rules of Trial Procedure to obtain discovery of the existence and contents of any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a settlement under this Rule or to indemnify or reimburse for payments made to satisfy a settlement under this Rule.

...

This amendment shall take effect on January 1, 2021.  
Done at Indianapolis, Indiana, on 6/26/2020.

Loretta H. Rush  
Chief Justice of Indiana

All Justices concur.