

State of New Hampshire  
Circuit Court  
Administrative Order 2014 - 11

**Criteria for Court-Contracted Family Division Mediators**

Pursuant to RSA 458:15-c and RSA 461-A, the New Hampshire Judicial Branch may contract with qualified mediators who shall then be eligible for appointment as a mediator by the family division of the New Hampshire Circuit Court in appropriate cases.

A person seeking a contract as a mediator with the family division of the Circuit Court shall submit an application to the New Hampshire Judicial Branch Office of Mediation and Arbitration. Applications will be accepted and considered for contract upon notice by the Office of Mediation and Arbitration.

Court-contracted family division mediators shall be assigned to mediator rosters at different family divisions of the Circuit Court based on each court's mediation needs and at the discretion of the Administrative Judge of the Circuit Court in consultation with the Office of Mediation and Arbitration.

The requirements of a court-contracted family division mediator are as follows:

1. Agree to serve as an independent contractor to the New Hampshire Circuit Court as a mediator in the family division as assigned by the Office of Mediation and Arbitration. As an independent contractor, the mediator shall be solely responsible for any and all tax liabilities accruing from the compensation and funds received for mediation services provided to the New Hampshire Circuit Court. The mediator is not entitled to receive fringe benefits such as annual leave, sick leave, administrative leave, health insurance, dental insurance, or retirement contributions. Nothing in this Order shall be construed to grant the mediator any rights as a regular, probationary, or temporary employee of the New Hampshire Judicial Branch under RSA 490:26-b.
2. Be certified pursuant to RSA 328-C and maintain this certification at all times while contracted as a mediator with the family division of the Circuit Court. If the court-contract mediator loses certification for any reason, it is his or her responsibility to notify the Office of Mediation and Arbitration of this change in status immediately.
3. Every three years, provide certificates of attendance to the Office of Mediation and Arbitration of at least twenty-four (24) hours of continuing education relevant to mediation. This continuing education may be the same as required for renewal of certification pursuant to RSA 328-C:6.

4. Maintain professional liability insurance covering all mediation services provided under any agreement with the New Hampshire Judicial Branch with coverage of no less than limits of \$100,000 per claim/\$300,000 aggregate and provide proof of insurance by July 1<sup>st</sup> of each calendar year to the Office of Mediation and Arbitration.
5. Comply with all requirements of applicable standards, statutes, regulations and Court Rules and Orders. This includes, but is not limited to, all applicable sections of family division statutes and rules, Administrative Rules and Orders and guidelines governing mediation and mediator qualifications and criteria for the family division of the Circuit Court and the Office of Mediation and Arbitration.
6. Comply with all applicable standards of conduct for Circuit Court contracted mediators. This includes, but is not limited to, cooperation with court staff in the scheduling and administration of mediation sessions. Notwithstanding anything in this Order to the contrary, mediators are subject to the standards of employee conduct contained in New Hampshire Judicial Branch Personnel Rule 27 and in the New Hampshire Judicial Branch Anti-Discrimination Policy, copies of which will be provided to each contracted mediator. Mediators are not otherwise subject to the Judicial Branch Personnel Rules and have no grievance or appeal rights under such rules.
7. Disclose to the court any actual or potential conflicts of interest as soon as possible upon discovery of any such conflict.
8. Submit to a criminal background check upon initial application for mediation contract with the New Hampshire Judicial Branch or subsequently as the Office of Mediation and Arbitration deems necessary. All contracted mediators must inform the Office of Mediation and Arbitration within 30 days of a change in circumstance such as a conviction of a misdemeanor or felony or loss of professional license. Such convictions or loss of license may result in removal from the list of court-contracted mediators.
9. Be approved by the Administrative Judge of the Circuit Court.
10. Be subject to removal from the list of court-contracted mediators for non-compliance with any standards or criteria for court-contracted mediators, including, but not limited to, quality standards of work process and product, or for good cause, as determined by the Administrative Judge of the Circuit Court in consultation with the Office of Mediation and Arbitration. Notice of removal from the list of court-contracted mediators shall be sent to the mediator so removed at the mediator's address of file at the Office of Mediation and Arbitration.

March 27, 2014

/s/ Edwin W. Kelly  
Edwin W. Kelly  
Circuit Court Administrative Judge