

## **APPENDIX A**

### **TRIAL COURT POLICY ON DATA COLLECTION AND RECORD KEEPING**

It is the policy of the Trial Court that courts must, in each case, keep a record of each referral for court connected dispute resolution services under SJC Rule 1:18, Uniform Rules on Dispute Resolution. Approved programs must, in addition to any other requirements established by the Chief Justice of a Trial Court Department, maintain records of cases referred to them to enable the appropriate Department or Departments of the Trial Court to evaluate the program. See Uniform Rules 3(c), 3(d), Commentary to 4(b), and 6(g).

At a minimum, approved programs must maintain for at least three years a written record of each case referred by each particular court using a form prescribed by the Chief Justice for Administration and Management.

Every approved program shall file a report within sixty (60) days following the end of the Trial Court's fiscal year (June 30) with the Chief Justice of each Department from which they have received a referral using the Dispute Resolution Program Report prescribed by the Chief Justice for Administration and Management. This annual report shall include a summary of the dispute resolution services provided to the Department during the previous fiscal year including a summary of the case record information and the number and nature of written complaints about court connected dispute resolution services received, if any. Reports shall be prepared consistent with the confidentiality requirements of the Uniform Rules on Dispute Resolution.

## APPENDIX B

### TRIAL COURT POLICY ON COMPLAINTS

#### 1. FILING:

Any individual wishing to make a complaint regarding court-connected dispute resolution services may do so by filing a written complaint with any of the following individuals: the director of the dispute resolution program that provided the services; the person appointed by the local court to be its dispute resolution coordinator or the applicable the First Justice, the Regional Administrative Justice or the Chief Justice of the Court Department and/or their designee from where the complaint arose. All complaints are to be resolved at the local level if possible.

#### 2. CONTENT OF COMPLAINT:

The complaint should identify the court or program where the alleged violation took place and the specific conduct that forms the basis of the complaint.

#### 3. DISPOSITION OF COMPLAINT:

Before a neutral is deemed no longer qualified to provide court-connected dispute resolution services or a program is removed from the Department's list of approved programs, said neutral or program has a right to a formal hearing at a time and manner to be decided by the Chief Justice of the Department of the Trial Court from which the complaint arose. A formal hearing is not required unless a neutral is deemed no longer qualified to provide court-connected dispute resolution services or a program is disapproved from a Department's list of programs to provide court-connected dispute resolution services.

#### 4. ALTERNATIVE DISPUTE RESOLUTION:

In all cases, alternative dispute resolution services should be made available to the parties for the resolution of complaints.

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**Note:** Court personnel administering this policy should direct any inquiries they have about the resolution of complaints to the Support Services Department in the Office of Court Management for the Trial Court.

## **APPENDIX C**

### **TRIAL COURT POLICY ON EVALUATION OF DISPUTE RESOLUTION SERVICES**

The evaluations conducted by approved dispute resolution programs pursuant to Rule 7(a), SJC. Rule 1:18, Uniform Rules on Dispute Resolution, must produce records capable of being audited. Programs shall retain these records for at least three years. Each approved program should either occasionally or regularly administer evaluations in which all or a bona fide sample of parties and/or their lawyers are provided with an evaluation form and an opportunity at the conclusion of the dispute resolution service to submit a written assessment of the program and the neutrals.