

1 **Rule 11. Sealing, Redacting, and Unsealing Court Records.**

2 (a) **Request to Seal or Redact Court Records; Service.**

3 No document will be filed redacted without order of the Court.

4 Any person may request that the Court seal or allow the filing of a redacted court record in
5 a case that is subject to these rules by filing a written motion, or the Court may, on
6 its own, seal or allow the filing of a redacted court record. The title of the motion to
7 seal or allow the filing of a redacted court record must disclose that the motion seeks
8 sealing or redaction. The motion must be served on all parties in accordance with the
9 applicable rules of service.

8 (b) **Hearing.** The Court may conduct a hearing on a motion to seal or allow the filing of a
9 redacted court record.

10 (c) **Grounds to Seal or Redact; Written Findings Required.** The Court may order the Court
11 files and records, or any part thereof, to be sealed or redacted, provided the Court enters
12 written findings of fact and conclusions that the specific sealing or redaction is justified.
13 The conclusions must include the following:

- 13 (1) there exists an overriding interest that overcomes the right of public access to the
14 record;
- 14 (2) the overriding interest supports sealing or redacting the record;
- 15 (3) a substantial probability exists that the overriding interest will be prejudiced if the
16 record is not sealed or redacted;
- 17 (4) the proposed sealing or redaction is narrowly tailored; and
- 18 (5) no less restrictive means exist to achieve the overriding interest.

19 (d) **Access.** Court records that are sealed may be examined by judicial officers. Access by the
20 public to sealed records will be allowed only after entry of a court order in accordance with
21 this rule.

21 (e) **Motion; Service.** A sealed court record will be unsealed only upon stipulation of all the
22 parties, on the Court's own motion, or on a motion filed by a party or another person. A
23 motion to unseal a court record must be served on all parties to the action in accordance
24 with the applicable rules of service. If the movant cannot locate a party for service after
25 making a good faith effort to do so, the movant may file an affidavit setting forth the efforts
to locate the party and requesting that the Court waive the service requirements of this rule.
The Court may waive the service requirement if it finds that further good faith efforts to
locate the party are not likely to be successful.

1 (f) **Objection to Unsealing.** Any party opposing a motion to unseal must demonstrate why
2 the motion should not be granted. The opposing party must show that overriding
3 circumstances continue to exist or that other grounds provide a sufficient basis for keeping
4 the record sealed.

5 **Rule 12. Disability Accomodation; Interpreter Services.**

6 Requests for reasonable accommodation for persons with disabilities or to request an
7 interpreter must be made to the court at least 30 days before a scheduled court date.

8 **Rule 13. Mediation.**

9 (a) **Generally.** Mediation is a voluntary and confidential process in which parties confer with
10 a neutral mediator to help resolve the dispute. The parties may retain a private mediator or
11 request a judge-conducted mediation. Participation in mediation is voluntary.

12 (b) **Confidentiality; Communications with the Court; Other Roles of the Mediator.**

13 (1) *Confidentiality.* Mediation conferences are conducted privately. Oral and written
14 communications exchanged during mediation are confidential.

15 (2) *Communications with the Court.* The mediator must not communicate with the
16 assigned judge about anything said, submitted, or done before or during mediation,
17 except:

18 (A) the mediator may advise the court in writing about the mediation schedule
19 and any procedural matters related to the mediation, so long as the substance
20 of what the parties or their counsel say or do during the mediation remains
21 confidential;

22 (B) the mediator may report matters to the court if the parties agree or if the law
23 requires or permits disclosure; and

24 (C) the mediator may report to the court information as allowed in section (1)
25 below.

(3) *Other Roles of a Mediator.* The mediator may not conduct any other form of dispute
resolution in the same case, unless the parties agree and the court approves.

(c) **Subjects for Mediation.** The parties may privately mediate any issue in dispute.

(d) **Privately Retained Mediator.** The parties may agree to, and jointly select, a private
mediator. The parties must sign and file a notice stating that private mediation will take
place, identifying the name of the jointly selected mediator, and specifying the date of the
initial mediation conference.

1 (e) **Payment for a Private Mediator's Services.** The parties must contract directly with a
2 private mediator and are responsible for the mediator's fees. Unless the parties agree or the
3 court orders otherwise, the cost of mediation must be shared equally between the parties.

4 (f) **Discretion to Order Mediation.** Upon agreement of the parties, the court may enter an
5 order referring a matter to mediation. The court may decline to refer a matter to mediation
6 if it appears that mediation is inappropriate due to parental unfitness, substance abuse,
7 mental incapacity, domestic violence, or other good cause, or if it would cause undue delay.

8 (g) **Consideration of Domestic Violence.**

9 (2) *Limit on Referring a Matter to Mediation.* In a case concerning legal decision-
10 making or parenting time, if an order of protection is in effect involving the parties,
11 or if the court finds that a party's conduct would justify the entry of a protective
12 order, the court may only order mediation or refer the parties to mediation if policies
13 and procedures are in place that protect the victim from harm, harassment, or
14 intimidation.

15 (3) *Disclosure.* Before mediation, the court must notify the parties, either in writing or
16 orally in open court, of their right to request a waiver of mediation, or to ask the
17 court to order reasonable procedures at the mediation, to protect a victim of
18 domestic violence. A party is not required to appear for mediation pending the
19 court's ruling on such a request.

20 (4) *Mediator's Duty.* The mediator must decline to mediate, or must terminate
21 mediation, if the mediator determines that domestic violence makes mediation
22 inappropriate.

23 (h) **Applications for Default.** Upon entry of an order to mediate or a referral to mediation,
24 unless the court orders otherwise, a party may not file an application for entry of default
25 until the mediator files a report stating that the mediation has concluded.

(i) **Scheduling Mediation Conferences; Persons Who May Attend.**

(1) *Scheduling.* After the court enters an order or a referral to mediation, the mediator
will schedule joint or individual conferences with the parties. Each party must
attend the conferences as the mediator directs.

(2) *Persons Who May Attend.* With the parties' approval, the mediator may authorize
individuals other than parties and their legal representatives to attend or participate
in a mediation, provided that such individuals give their written consent to be bound
by this rule's confidentiality. Counsel representing a party may be excluded from a
private mediation conference only if both the party and counsel agree.

(3) *Failure of a Party to Appear.* The parties must appear at mediation conferences as
directed by the mediator. The mediator must report to the court the identity of any
party who fails to appear, and the court may impose sanctions on that party.

1 (4) *Failure to Complete Mediation.* The court will not continue a scheduled trial or
2 hearing due to a failure to complete mediation unless a party shows good cause for
3 the continuance.

4 **(j) Mediation Statement.**

5 (1) *Generally.* The mediator may require each party to submit a mediation statement
6 before a conference. If a mediation statement is required, a party must submit it to
7 the mediator but must not file it with the clerk.

8 (2) *Content.* A mediation statement must include the following information, along with
9 any other information required by the mediator:

10 (A) a general description of the issues in dispute, the party's position on each
11 issue, and the evidence the party will present to support its position;

12 (B) if the issues involve financial matters, a current Affidavit of Financial
13 Information, a list of outstanding debts and the party responsible for each
14 debt, and an inventory of community or joint assets, including dates of
15 acquisition, amounts of encumbrances, and present values;

16 (C) a summary of the parties' prior negotiations; and

17 (D) any other information the party believes will help resolve the issues.

18 **(k) Binding Agreements in Mediation.** Any binding agreement reached by the parties during
19 a private mediation must comply with the Rules of Court. Any agreement between the
20 parties during the mediation must include their acknowledgement that:

21 (1) each party entered the agreement voluntarily, without threat or undue influence,
22 and after full disclosure of all relevant facts and information;

23 (2) each party intends the agreement to be final and binding;

24 (3) the agreement is fair and equitable; and

25 (4) if the parties have minor children in common, the agreement is in the children's
best interests.

(l) Report to the Court.

(1) *By the Parties.* The parties must notify the court when the mediation has concluded
and advise the court of any agreement that fully resolve their issues. The parties
must provide this notice not later than 10 days after the mediation concludes, and
not later than 10 days before the date set for trial or hearing.

1 (2) *By the Mediator.* If the parties reach a partial agreement or no agreement during
2 mediation, the mediator must file a brief report with the court stating that the parties
3 met and attempted to resolve their differences, but that the mediation was
4 unsuccessful. The report must also state any agreements the parties reached and the
5 remaining unresolved issues. The mediator must not disclose the parties' respective
6 positions and must not comment on or offer any opinion about a party's position.
7 The mediator may also advise the court if the parties or the mediator believes that
8 further mediation would be helpful in resolving the remaining issues.
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