CHAPTER 572

ARBITRATION; MEDIATION

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572.01 MS 1953 [Repealed, 1957 c 633 s 24]

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572.04 MS 1953 [Repealed, 1957 c 633 s 24]

572.05 MS 1953 [Repealed, 1957 c 633 s 24]

572.06 MS 1953 [Repealed, 1957 c 633 s 24]

572.07 MS 1953 [Repealed, 1957 c 633 s 24]

572.08 MS 2010 [Repealed, 2010 c 264 art 1 s 32]

572.09 MS 2010 [Repealed, 2010 c 264 art 1 s 32]

572.10 MS 2010 [Repealed, 2010 c 264 art 1 s 32]

572.11 MS 2010 [Repealed, 2010 c 264 art 1 s 32]

572.12 MS 2010 [Repealed, 2010 c 264 art 1 s 32]

572.13 MS 2010 [Repealed, 2010 c 264 art 1 s 32]

572.14 MS 2010 [Repealed, 2010 c 264 art 1 s 32]

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572.18 MS 2010 [Repealed, 2010 c 264 art 1 s 32]

572.19 MS 2010 [Repealed, 2010 c 264 art 1 s 32]

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572.23 MS 2010 [Repealed, 2010 c 264 art 1 s 32]

572.24 MS 2010 [Repealed, 2010 c 264 art 1 s 32]

572.25 MS 2010 [Repealed, 2010 c 264 art 1 s 32]

572.26 MS 2010 [Repealed, 2010 c 264 art 1 s 32]

572.27 MS 2010 [Repealed, 2010 c 264 art 1 s 32]

572.28 MS 2010 [Repealed, 2010 c 264 art 1 s 32]

572.29 MS 2010 [Repealed, 2010 c 264 art 1 s 32]

572.30 MS 2010 [Repealed, 2010 c 264 art 1 s 32]

MINNESOTA CIVIL MEDIATION ACT

572.31 MINNESOTA CIVIL MEDIATION ACT, CITATION.

Sections 572.31 to 572.40 may be cited as the "Minnesota Civil Mediation Act."

History: *1984 c 646 s 1*

572.33 DEFINITIONS.

Subdivision 1. **Scope.** When used in sections 572.31 to 572.40 the terms defined in this section have the meanings given them.

Subd. 2. **Mediator.** "Mediator" means a third party with no formal coercive power whose function is to promote and facilitate a voluntary settlement of a controversy identified in an agreement to mediate.

Subd. 3. **Agreement to mediate.** "Agreement to mediate" means a written agreement which identifies a controversy between the parties to the agreement, states that the parties will seek to resolve the controversy through mediation, provides for termination of mediation upon written notice from either party or the mediator delivered by certified mail or personally to the other people who signed the agreement, is signed by the parties and mediator and is dated.

Subd. 4. **Mediated settlement agreement.** "Mediated settlement agreement" means a written agreement setting out the terms of a partial or complete settlement of a controversy identified in an agreement to mediate, signed by the parties, and dated.

Subd. 5. **Nonprofit regional alternative dispute resolution corporation.** "Nonprofit regional alternative dispute resolution corporation" has the meaning given in section 480.24, subdivision 5.

History: *1984 c 646 s 2; 1986 c 398 art 17 s 3,4*

572.35 EFFECT OF MEDIATED SETTLEMENT AGREEMENT.

Subdivision 1. **General.** The effect of a mediated settlement agreement shall be determined under principles of law applicable to contract. A mediated settlement agreement is not binding unless:

(1) it contains a provision stating that it is binding and a provision stating substantially that the parties were advised in writing that (a) the mediator has no duty to protect their interests or provide them with information about their legal rights; (b) signing a mediated settlement agreement may adversely affect their

legal rights; and (c) they should consult an attorney before signing a mediated settlement agreement if they are uncertain of their rights; or

(2) the parties were otherwise advised of the conditions in clause (1).

Subd. 2. **Debtor and creditor mediation.** In addition to the requirements of subdivision 1, a mediated settlement agreement between a debtor and creditor is not binding until 72 hours after it is signed by the debtor and creditor, during which time either party may withdraw consent to the binding character of the agreement.

History: *1984 c 646 s 3; 1986 c 398 art 17 s 5; 1999 c 190 s 1*

572.36 SETTING ASIDE OR REFORMING A MEDIATED SETTLEMENT AGREEMENT.

In any action, a court of competent jurisdiction shall set aside or reform a mediated settlement agreement if appropriate under the principles of law applicable to contracts, or if there was evident partiality, corruption, or misconduct by a mediator prejudicing the rights of a party. That the relief could not or would not be granted by a court of law or equity is not ground for setting aside or reforming the mediated settlement agreement unless it violates public policy.

History: *1984 c 646 s 4*

572.37 PRESENTATION OF MEDIATOR TO PUBLIC.

No individual may act as a mediator pursuant to the Minnesota Civil Mediation Act for compensation without providing the individuals to the conflict with a written statement of qualifications prior to beginning mediation. The statement shall describe educational background and relevant training and experience in the field.

Nothing in this section shall limit the pursuits of professionals consistent with their training and code of ethics; nor shall this section apply to service provided through a governmental agency. The requirement of this section may be satisfied by a nonprofit corporation on behalf of its service providers by providing a statement of the education, training, and experience requirements for eligibility on its mediation panel.

A person who violates this section is guilty of a petty misdemeanor.

History: *1984 c 646 s 5; 1986 c 444*

572.39 STATUTES OF LIMITATION.

The running of the limitation of time within which an action may be brought is suspended from the date of the agreement to mediate until 20 days after notice of termination of mediation is delivered by certified mail or personally delivered as provided in the agreement to mediate.

History: *1984 c 646 s 6*

572.40 SCOPE.

Sections 572.31 to 572.36 do not apply to proceedings relating to the determination of criminal liability or proceedings brought under chapters 518, 518A, 518B, and 518C, or proceedings relating to guardianship, conservatorship, or civil commitment.

History: *1984 c 646 s 7*

DEBTOR AND CREDITOR MEDIATION

572.41 DEBTOR AND CREDITOR MEDIATION.

Subdivision 1. **General.** The debtor and creditor in any transaction may request the other party to the transaction to enter mediation concerning possible adjustment, refinancing, or payment under this section and sections 572.31 to 572.40.

Subd. 2. **Mediators.** An individual who meets the qualifications established under subdivision 5 and who is willing to mediate in matters involving debtors and creditors may register with a nonprofit regional alternative dispute resolution corporation or, in a county where one does not exist, with the court administrator. The court administrator shall develop a list of mediators available in the county. It is desirable but not necessary that mediators under this section have knowledge of debtor and creditor law and relevant areas of finance. A mediator must not mediate a matter involving a debtor or creditor with whom the mediator has or has had a credit relationship.

Subd. 3. **Request for mediator.** A debtor and creditor who agree to mediate may submit a written request for referral to a mediator to the court administrator in the county where either party resides or has a place of business. The court administrator shall assign a mediator from the list developed under subdivision 2. The court administrator may charge a fee for the referral not to exceed the conciliation court fee in that county.

Subd. 4. **Compensation.** Prior to commencing mediation the debtor and creditor shall agree with each other and the mediator on the amount and allocation between them of any fee for the mediator's services.

Subd. 5. **Rules.** The state court administrator, in consultation with the Bureau of Mediation Services, shall adopt rules to implement this section and may use portions of existing rules on certification of alternative dispute resolution programs that satisfy the purposes of this section. The rules must include qualifications of mediators under this section and grounds for challenging and removing mediators.

History: *1986 c 398 art 17 s 6*