

TITLE 365. INSURANCE DEPARTMENT
CHAPTER 1. ADMINISTRATIVE OPERATIONS
SUBCHAPTER 11. E.A.G.L.E. MEDIATION PROGRAM

365:1-11-1. Purpose.

The purpose of this subchapter is to set forth the internal regulations and procedures of the Oklahoma Insurance Department's E.A.G.L.E. (Ending Arguments Gently, Legally and Economically) Mediation Program.

[Source: Added at 17 Ok Reg 1619, eff 7-14-2000]

365:1-11-2. Office procedures.

Mediation and settlement conference files will be maintained in the Legal Division of the Department. The contents of such files shall not be publicly available, in accordance with 12 O.S. § 1805. The details of any mediation, settlement conference, or resulting settlement agreement shall not be revealed by Legal Division employees or volunteers associated with the E.A.G.L.E. Mediation Program, except to notify the Claims/Consumer Assistance Division whether a settlement was reached, or to notify a hearing examiner of the issues that have been resolved or remain to be tried after a settlement conference.

[Source: Added at 17 Ok Reg 1619, eff 7-14-2000]

365:1-11-3. Referrals.

Referrals for mediation will mainly come from the Consumer Assistance/Claims Division of the Oklahoma Insurance Department. Referrals may also be accepted from outside sources. In no event shall the Insurance Department accept the referral of a case for mediation that does not relate to insurance. Referrals for settlement conferences may be initiated by the Department, a respondent in an administrative disciplinary proceeding, or by order of the hearing examiner assigned to the case.

[Source: Added at 17 Ok Reg 1619, eff 7-14-2000]

365:1-11-4. Contact and interviews with parties.

The Program Director or his/her designee shall endeavor to make contact with each of the parties on the day the referral is received, or as soon thereafter as reasonably practicable. A mediation session shall be scheduled with the consent of all parties, at a time that is convenient for the parties and the assigned mediator. A settlement conference shall be scheduled at the time ordered by the hearing examiner who will conduct the settlement conference.

[Source: Added at 17 Ok Reg 1619, eff 7-14-2000]

365:1-11-5. Training of mediators.

Mediators shall complete at least twenty hours of training conducted by a state certified trainer, as required by Rule 11 of the Rules and Procedures for the Dispute Resolution Act. The training shall include instruction and role-playing on issues that are likely to arise in insurance-

related mediation. A mediator who has previously been certified by the Administrative Director of the Courts shall be deemed approved as a mediator for the E.A.G.L.E. Mediation Program if the Program Director is satisfied that the mediator adequately understands the types of insurance-related issues that would be included in training for new E.A.G.L.E. Mediation Program mediators.

[Source: Added at 17 Ok Reg 1619, eff 7-14-2000]

365:1-11-6. Assignment of mediators.

A mediator generally will be assigned according to his/her proximity to the location where the mediation will be held. If a number of certified mediators reside or work within the same city or area in which a mediation is scheduled, assignments will be made on a rotating basis. If a mediator has specific knowledge or expertise that is expected to be helpful in understanding the issues, that mediator may be assigned outside the normal rotation. Hearing examiners will be chosen to conduct settlement conferences based on their availability, knowledge of the applicable law and related experience as a successful judge, hearing examiner, arbitrator or mediator.

[Source: Added at 17 Ok Reg 1619, eff 7-14-2000]

365:1-11-7. Other volunteer assignments and training.

The E.A.G.L.E. Mediation Program may employ interns or other volunteers to assist Department employees in administering the program. Such volunteers shall be trained by Department employees regarding office procedures and confidentiality requirements.

[Source: Added at 17 Ok Reg 1619, eff 7-14-2000]

365:1-11-8. Conducting the mediation session.

All mediation sessions shall be conducted in accordance with the Dispute Resolution Act, 12 O.S. § 1821, et seq., and Rules and Procedures for the Dispute Resolution Act. Mediation sessions shall be conducted by assigned mediators without interference or input from Insurance Department employees. No Department employee shall attend a mediation session unless all parties consent. A mediator shall reveal any relationship with the parties or witnesses or other factors that could have a bearing on the mediator's competence or impartiality. If one of the parties is dissatisfied with the competence or impartiality of the assigned mediator, the session may be rescheduled with a different assigned mediator.

[Source: Added at 17 Ok Reg 1619, eff 7-14-2000]

365:1-11-9. Reporting.

When a mediation session is adjourned, the mediator shall forward the original signed Agreement to Mediate a Dispute, Rules of Conduct for Outside Parties Attending Mediation Hearing, Mediation Agreement and Record of Termination forms to the Program Director at the Oklahoma Insurance Department. The Program Director shall submit an annual report to the

Administrative Director of the Courts no later than July 30 of each year, in compliance with Rule 13 of the Rules and Procedures for the Dispute Resolution Act.

[Source: Added at 17 Ok Reg 1619, eff 7-14-2000]

365:1-11-10. Follow-up.

The Department shall select a random sample from the parties who have participated in mediation and interview them regarding their satisfaction with the process.

[Source: Added at 17 Ok Reg 1619, eff 7-14-2000]

365:1-11-11. Forms.

The E.A.G.L.E. Mediation Program shall use forms substantially the same as those adopted or approved by the Administrative Director of the Courts. If the Administrative Director of the Courts changes the forms that are approved for use in programs that are certified pursuant to the Dispute Resolution Act, the forms used by the E.A.G.L.E. Mediation Program will be changed accordingly. Copies of the following forms are available from the Oklahoma Insurance Department:

- (1) Agreement to Mediate a Dispute
- (2) Rules of Conduct for Outside Parties Attending Mediation Hearing
- (3) Mediation Agreement
- (4) Record of Termination

[Source: Added at 17 Ok Reg 1619, eff 7-14-2000]