

Chapter 13 Draft Rule on Mediation and Binding Dispute Resolution

Title of Rule: Rule on Mediation and Binding Dispute Resolution

Vote on Rule:

Public Comment: Interested persons may electronically submit written comments on the proposed rule to gsearls@clear-ams.org with the subject line “Counseling Compact Commission Rule Comment” or by attending the meeting at which the rule will be discussed and voted on. Written comments on the proposed rule must be submitted by **September 13, 2026, 11:59 p.m. MT.**

Effective: Insert Date here (30 days after Full Commission approval)

History: March 26, 2026 Rule introduced at Rules Committee Meeting and approved to be sent to the Executive Committee.

August 5, 2026: Approved by Executive Committee to go out for public
Comment

Chapter 10: Rule on Mediation and Binding Dispute Resolution

Authority: Section 9: Establishment of the Counseling Compact Commission
Section 11: Rulemaking
Section 12: Oversight, Dispute Resolution, and Enforcement

13.0 Purpose: Pursuant to Section 12, the Commission shall promulgate a Rule providing for both mediation and binding dispute resolution for disputes as appropriate.

The Counseling Compact Commission shall promulgate reasonable and lawful uniform rules to facilitate and coordinate the implementation and administration of the Counseling Compact. This rule will become effective upon passage by the Counseling Compact Commission as provided in Section 9 of the Counseling Compact.

This rule will become effective upon passage by the Counseling Compact Commission as provided in Section 11 of the Counseling Compact.

13.1 Definitions:

- A. “Dispute Resolution” means processes such as negotiation, mediation, or arbitration used to resolve conflicts or claims outside of traditional court litigation.
- B. “Member State” means a State that has enacted the Counseling Compact.

13.2 Dispute Resolution:

A. In accordance with section 12 of the Compact model law, in the event that two or more Member States have a dispute, the parties shall attempt resolution following the steps set out in this rule.

1. The parties shall first attempt informal resolution.

a. The Delegates in the states involved shall contact each other. Each Delegate shall submit a written statement describing the situation to the other Delegates involved in the dispute.

b. Each Delegate may submit a response. The submission of the statement and the response shall be in a mutually agreed upon time. If the dispute is related to an interpretation of the Compact, the parties shall contact the Executive Director to request assistance from the Executive Committee.

c. If all issues are resolved, no further action is required.

d. If any issue remains unresolved, the parties shall notify the Executive Committee, through the Executive Director, to request mediation and provide the Executive Committee with a concise statement of unresolved issue(s) and analysis, including references to Counseling Compact Commission statutes, rules, and any supporting documents.

e. The Executive Committee may refer the matter to the Compliance Committee. After review by the Compliance Committee, its recommendations will be sent to the Executive Committee for further review. The Executive Committee shall communicate its decision to the parties.

B. A Member State that has a dispute with one or more other Member States, and informal resolution was unsuccessful, shall attempt mediation.

1. Mediation shall be conducted by a mediator appointed by the Executive Committee from a list of mediators approved by the National Association of Certified Mediators or as agreed to by all parties. If all issues are resolved through mediation, no further action is required. If mediation is unsuccessful, the parties shall submit to binding dispute resolution.

2. The costs of mediation shall be shared by all Member States involved.

3. All party state Delegates shall be notified of all issues and disputes that rise to the mediation stage in order to comment on those matters and disputes that may impact all party states.

C. In the event of a dispute between Member States that was not resolved through informal resolution or mediation, the Member States shall submit to binding dispute resolution. The parties may choose binding dispute resolution either by submitting the question in dispute to the Commission for final action or by arbitration.

1. All Member States involved shall agree to proceed with arbitration. In the absence of agreement, the matter shall be referred to the full Commission for final determination.

2. Each Member State involved shall be responsible for its own respective expenses, including attorney fees.

3. The Member State's Delegates involved in the dispute shall recuse themselves from consideration or voting by the full Commission.