

IN THE STATE COURT OF RICHMOND COUNTY, GEORGIA

CIVIL ACTION FILE NO. _____

_____,)
PLAINTIFF,)
VS.)
_____,)
DEFENDANT.)

AMENDED STANDING ORDER FOR MEDIATION IN CIVIL CASES

In accordance with the mandate of the Georgia Constitution of 1983 that the judicial branch of government provide “speedy, efficient and inexpensive resolution of disputes and prosecutions,” and pursuant to the Georgia Supreme Court’s Alternative Dispute Resolution Rules encouraging the use of alternative dispute resolution by the courts of this state, this **Amended Standing Order for Mediation in Civil Cases** is hereby entered. As set forth herein, all contested civil matters filed in the State Court of Richmond County, **unless exempted** as set forth below, must be mediated in accordance with this Order.

MEDIATION REQUIRED.

Mediation is a prerequisite to placement of a case on a trial calendar and should occur after all responsive pleadings have been filed and discovery has been completed. Mediation shall be conducted in accordance with this Order and the rules of the Augusta Judicial Circuit (AJC) Alternative Dispute Resolution (ADR) Program.

The parties shall agree upon a mediator from the AJC roster of mediators registered by the Georgia Office of Dispute Resolution (<http://godr.org/>) who have been chosen for service in the

AJC ADR Program. A copy of the roster is available at the AJC ADR Program website at www.augustaga.gov/1438/ADR. Should the parties fail to agree upon a mediator, the Court or the ADR Director will appoint one for them and may set the fee. Should the parties desire to use a mediator not on the AJC ADR Program roster, they may **petition the Court** to utilize any mediator **provided he/she is registered with the Georgia Office of Dispute Resolution in the appropriate category.** If approved, prior to mediation, Plaintiff shall notify the ADR Director in writing of the name of the mediator and the time and location of the mediation, and the mediator will be paid in accordance with the agreement with the mediator.

Parties shall contact the mediator directly and schedule the mediation. The plaintiff's counsel shall provide the date of the mediation and the name of the mediator selected on the Notice of Mediation Status (Attachment A hereto) by email or U.S. Mail to the ADR Director **prior to the scheduled session.** Unless otherwise agreed, the parties shall share the cost of the mediator equally and should be prepared to pay the mediator at the conclusion of the session. Any party unable to afford the cost of mediation may submit a Request for Fee Waiver or Fee Reduction, available on the AJC ADR website, to the AJC ADR office.

The parties and their counsel shall negotiate in *good faith* to resolve all issues in the case with the mediator. Within *seven* calendar days after mediation the parties shall notify the ADR Director whether mediation was successful by completing and submitting to the ADR Director a copy of the Attestation Form (Attachment B hereto). In the absence of settlement, the parties lose none of their rights to a final hearing or trial.

Compliance with this Order does not require the parties to reach a settlement. The mediator has no authority to compel settlement. Any settlement is entirely voluntary.

APPEARANCE.

The presence of parties at all mediation conferences is required unless the court excuses attendance for good cause shown. The requirement that a party appear at a mediation conference is satisfied if the following persons are physically present:

(a) The party and/or:

(1) The party's representative who has:

(i) Full authority to settle without further consultation; and

(ii) A full understanding of the dispute and full knowledge of the facts;

(2) A representative of an insurance carrier for any insured party if that representative has full authority to settle without further consultation, except that telephone consultations with persons immediately available are permitted. Appearance of an insurance carrier's representative by telephone is permitted only if all parties agree.

DISCRETIONARY EXEMPTIONS.

Any party may petition the court to exempt the case from mediation by filing a Mediation Exemption Petition, a copy of which shall also be provided to the ADR Director. An exemption from mediation may be requested for the following reasons:

(1) The issue(s) to be considered has been previously mediated by a mediator registered with the Georgia Office of Dispute Resolution;

(2) The issue(s) presents a question of law only;

(3) Good cause shown before the judge to whom the case is assigned.

Any exemption shall be within the discretion of the court.

MANDATORY EXEMPTIONS.

The following shall be exempt from mediation except upon petition of all parties or upon *sua sponte* motion of the Court:

- (a) Appeals from rulings of administrative agencies;
- (b) Forfeitures of seized properties;
- (c) Bond validations; and
- (d) Declaratory relief.

CONFIDENTIALITY AND PRIVILEGE.

The Georgia Supreme Court Alternative Dispute Resolution Rules and the Augusta Judicial Circuit Alternative Dispute Resolution Rules provide protections, immunities, and benefits to parties, counsel, and registered neutrals in properly conducted court-connected mediations. All submissions provided to a registered mediator, discussions, representations, and statements made in connection with a court-connected mediation proceeding shall remain confidential and privileged consistent with Georgia law. Parties and neutrals acting in a court-annexed or court-referred ADR process are entitled to these confidentiality and immunity protections. (Supreme Court ADR Rule 6.1 and 6.2.) Non-registered mediators do not have the confidentiality or immunity protections provided by the Supreme Court of Georgia.

ATTESTATION OF MEDIATION PARTICIPATION OR EXEMPTION.

Prior to requesting a pretrial conference or trial date, the requesting party is directed to submit a file stamped copy of the Attestation Form filed with the Clerk of Court to the ADR Director. Failure to attest will result in continuance of the matter until compliance is demonstrated.

EFFECTIVE DATE OF ORDER

This Order shall become effective January 25, 2018, and shall apply to all civil cases, including existing cases, except those exempted as described above.

SO ORDERED this _____ day of _____, 20____.

PATRICIA W. BOOKER

Judge
State Court of Richmond County, Georgia

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NOTICE OF MEDIATION STATUS
(Attachment A)

- I do hereby confirm that the parties in the above-styled action have selected and agreed to the following registered mediator:

Mediator's Name: _____

Date of Mediation: _____

- Parties request a mediator be assigned by the AJC ADR Program.
 Case Dismissed/Case Settled prior to mediation.
 Mediation exemption granted. (See copy attached.)

This _____ day of _____, 20____.

Plaintiff's Counsel

Printed Name: _____

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ATTESTATION FORM
(Attachment B)

I do hereby attest that the parties in the above-styled action have:

Attended Mediation:

Date: _____

Mediator's Name: _____

Outcome: _____

Case Dismissed/Case Settled prior to mediation.

Granted an Exemption (See copy attached.)

This _____ day of _____, 20____.

Requesting Party's Signature

Printed Name: _____

Sworn to and subscribed before me,
this _____ day of _____, 20____.

Notary Public
My Commission Expires: _____