

IN THE STATE COURT OF GWINNETT
COUNTY STATE OF GEORGIA

_____))
Plaintiff,) CIVIL ACTION FILE #:
))
v.) _____
))
_____))
Defendant.)

Mediation Procedures

1. This case shall be mediated within 45 days. Counsel and any pro se parties are directed to contact the Gwinnett County Office of Dispute Resolution at 770-822-8553 and schedule mediation within 45 days.
2. Parties may also choose from a list of registered mediators at <http://www.gwinnettcourts.com/court-programs/adr-processes>. You may also contact the Gwinnett Office of Dispute Resolution at 770-822-8587 for a list. The parties shall select their mediator, contact the mediator for a date and time, then contact the Gwinnett Office of Dispute Resolution to schedule the mediation. Because of limited space, the parties shall also have an alternative date selected. If an agreement cannot be reached as to a mediator, the court will appoint one for you.
3. Should the parties decide to use a private mediation service or arbitrator, the Court and the Gwinnett Office of Dispute Resolution must each be notified, in writing, within 30 days, as to whom the parties have agreed to use and the date of the mediation, verifying that the mediation is to occur within the allotted time. Nothing in this order prohibits alternative mediation with a person unaffiliated with the Gwinnett Office of Dispute Resolution.
4. If any additional mediation sessions are needed, they are to be scheduled and completed within 75 days.
5. Documentation of mediation shall be provided to the Gwinnett Office of Dispute Resolution. If the case is not resolved through mediation, it shall be immediately returned to the court's docket.

6. The appearance of each party and the attorney of record is mandatory. If insurance is involved, an adjustor, with authority up to the policy limits or the most recent demand, whichever is lower, shall attend for the duration of the mediation session, either in person or immediately available by phone or audio-visual means.
7. The cost of the mediator will be divided equally among the parties who shall be prepared to pay the mediator at the time of the session. The parties and the designated mediator will determine the length of the session. Sanctions may be imposed due to nonpayment and the case may not be determined closed if there are any outstanding fees due to the mediator.
8. All discussions, representations, and statements made at the mediation conference shall be privileged consistent with Georgia law.
9. The mediator has no power to compel or enforce settlement agreements and does not give legal advice. If a settlement is reached in this case, the attorneys shall reduce the agreement to writing and submit it to the Court within 10 business days of the mediation session.
10. The mediator will notify this Court of any failure of a party or parties to appear for mediation at the scheduled date and time. Should a party fail to appear, the Court may impose sanctions, including costs, upon that party.
11. If the case is settled, or in any way disposed of before mediation, the Gwinnett Office of Dispute Resolution and the Staff Attorney must be notified in writing immediately.
12. The case will remain assigned to this Court for all motions, hearings and trial calendars already scheduled and for future motions, hearings and calendars.

NOTE: If both parties agree that mediation will likely not be helpful or that the cost of mediation would likely outweigh the benefit, the parties may submit a Consent Order vacating this Mediation Order. The parties must submit the Consent Order within 30 days. If mediation is cancelled, the case will be immediately placed on the next available trial calendar.