



## Rules & Scheduling Procedures

### **1. Mediation Scheduling**

The parties have ten (10) days from the date of the attached Referral Notice to (a) select a mediator, (b) schedule a mediation session with the mediator and opposing parties, and (c) return the completed Mediation Scheduling Form to the ADR Office. All parties must be a part of the decision-making process when selecting a mediator, date, time and location of the mediation session. Unilateral scheduling is not permitted. If the Mediation Scheduling Form is not received by our office within ten (10) days and no attempt is made to inform the ADR Office of extenuating circumstances, our office will assume the parties cannot agree upon a mediator and we will assign the mediator, date, time and location of the mediation session.

The plaintiff and/or the plaintiff's attorney is ultimately responsible for coordinating the scheduling of the mediation session. However, any party may schedule the mediation session, complete the Mediation Scheduling Form, and submit it to the ADR office. All parties (plaintiff and defendant) are responsible for compliance with the ADR order.

### **2. Changes**

The ADR Office will send out scheduled mediation notices when a case is scheduled either by the ADR Office or by receipt of a Scheduling Form. Once a case has been scheduled and confirmed, the ADR Office needs to be made aware of any changes immediately. These changes include but are not limited to: cancellation of a scheduled session, rescheduling of a session, change in chosen mediator, dismissal or settlement of a case prior to the mediation session, motion for summary judgment to be heard etc. The plaintiff or the plaintiff's attorney is responsible for notifying the ADR Office in writing of any of the above changes.

### **3. Mediator Selection**

Mediators must be chosen from the official Seventh Judicial District Mediator List that is on the ADR Office website at [www.7jad.com](http://www.7jad.com). Parties without Internet access may contact the ADR Office for a faxed or mailed copy. If you would like to use a mediator not listed on the Seventh District's Mediator Roster, but is registered with the Georgia Office of Dispute Resolution in the category of case to be mediated, you must submit an order to the ADR Office requesting the use of an outside mediator and the ADR Office will forward it to the judge assigned to your case. For more information, contact the ADR Office.

### **4. Cancellation/No-show**

If a scheduled ADR session is cancelled without forty-eight (48) hours notice to the mediator, a late cancellation fee may be charged to the parties. The court will be notified of any cancellation fees that are not paid in a timely matter. It is up to the parties to notify the mediator of a cancellation – under no circumstances will the ADR Office cancel mediation sessions on behalf of the parties. The amount of this fee may be up to two (2) hours of the hourly fee of the chosen mediator. If a party fails to appear at a scheduled ADR session, the non-appearing party will be responsible for the entire cancellation fee. Also, it is the responsibility of the non-appearing party to reschedule the ADR conference with everyone. The ADR Office will notify the court of any non-appearances or continuous cancellations.

### **5. Conflict Cancellations**

Cancellation of a scheduled mediation will only be permitted in compliance with the Uniform Rule related to conflicts. The party with the conflict is responsible for notifying the other party, the mediator and the ADR Office of the conflict. The session must be rescheduled within ten (10) days by the attorney with the conflict. If the conflict necessitates cancellation, timely notice of cancellation (48 hours) must be received by the mediator or a cancellation fee of up to two (2) hours may apply to the party with the conflict.

### **6. Attendance and Documentation**

All attorneys are to attend mediation with their clients (This is REQUIRED in the Tallapoosa and Paulding Circuits and very strongly encouraged in all other Circuits). In addition, it may be necessary for the following persons to be present: plaintiff, plaintiff's counsel, spouse (if a consortium claim exists), plaintiff's personal representative (if plaintiff is a minor child or an estate), those appearing on behalf of any defendant, (insurance company representative, attorney, personal

representative) and any defendant whose presence is necessary for final settlement. No other parties will be allowed to participate except by agreement of all parties in advance. The parties are required to bring copies of their completed financial affidavit forms (domestic cases) pursuant to U.S.C.R. 24.2 and all other relevant information. Copies of financial affidavit forms may be obtained by visiting [www.7jad.com](http://www.7jad.com) or calling the ADR Office. Attorneys may attend the mediation session on behalf of their clients ONLY if the attorney has full settlement authority and full knowledge of the case.

### **7. Rescheduling**

If a case needs to be rescheduled, parties are responsible for filling out and faxing the Mediation Rescheduling Form to the ADR Office immediately. The Mediation Rescheduling Form may be obtained by visiting [www.7jad.com](http://www.7jad.com) or calling the ADR Office. The court will be notified if the case is not rescheduled. All parties must agree to the rescheduling of the session. If a case is not rescheduled promptly, the ADR Office will reschedule the session and the parties/attorneys will not be able to change date or time.

### **8. Agreements and Dismissals**

If a case is settled or dismissed prior to the date of mediation, a copy of the first and last page (that includes signatures of both parties) of the signed agreement or dismissal must be faxed to the ADR Office immediately. Once the ADR Office has a copy of the complete signed agreement, the case is considered uncontested and is no longer required to go to mediation. If the ADR Office does not receive a copy of a complete signed agreement or dismissal, the case will be required to be scheduled for mediation under the rules of the ADR Office. If an agreement or dismissal is signed prior to mediation, it is the responsibility of the parties to cancel directly with the mediator forty-eight (48) hours in advance. Otherwise, the same cancellation fee rules explained in paragraph 4 will apply.

### **9. Mediator Fees and Fee Waivers**

All fees are to be shared equally regardless of the number of parties involved unless otherwise agreed. The fees for mediation are different for each mediator. Fees are subject to change without notice. Therefore, call the mediator to verify their fee prior to the mediation session. Each party must be prepared to pay the mediator for their portion of the fees at the time of the session. The court will be notified of any mediation fees that are not paid at the session.

If a party feels they cannot afford mediation, an Indigent Fee Waiver Request Form may be obtained by visiting [www.7jad.com](http://www.7jad.com) or by the ADR Office. All notarized Indigent Fee Waiver Request Forms must be received by our office ten (10) days prior to the scheduled mediation session. Late or incomplete forms will not be accepted. The ADR Office will determine whether or not the party meets the guidelines set forth by the Indigent Defense Counsel and will notify the party of the results. It is the party's responsibility to notify the mediator of the results prior to the scheduled mediation session. Parties are strongly encouraged to request this form as early as possible.

### **10. Seminar for Divorcing Parents**

The ADR Office strongly recommends that parties to all domestic cases attend the Seminar for Divorcing Parents prior to the mediation session.

<p><i>Important Notice for All Mediation Cases in the Tallapoosa &amp; Paulding Circuits: (Haralson, Paulding and Polk Counties)</i></p>
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All attorneys are **REQUIRED** to attend all mediation conferences with their clients.

In all domestic cases, all parties are now **REQUIRED** to bring the following to their mediation conferences:

- 1) Financial Affidavit (available through the ADR Office, or on our website at [www.7jad.com](http://www.7jad.com)),
- 2) Form W-2 and Form 1099 for all income for the preceding tax year,
- 3) A copy of the past years' Federal Income Tax Return,
- 4) Most recent status reports on any form of retirement plan, IRA's or similar funds,
- 5) Any other such easily accumulated data.

**If you have any questions, please do not hesitate to call the ADR Office at (770) 387-4820.**

*Services are provided and admissions/referrals are made without regard to race, color, religious creed, ancestry, gender, sexual orientation, disability, age or national origin. Complaints of discrimination may be filed with the Seventh Administrative District Office.*