

# **MEDIATION INSTRUCTIONS FOR CASE PARTIES**

## **For Harris County Civil Court at Law No. 4**

Your case has been referred to mediation pursuant to CPRC § 154.001, et seq. A Mediator has been appointed to your case and the parties are hereby **ORDERED** to attend a two (2) hour mediation session at the site designated by the Mediator. All counsel and pro se parties are directed to contact the Mediator within twenty (20) days to arrange the logistics of mediation. The Mediator has agreed to charge no more than Two Hundred dollars (\$200.00) per party for the mediation session.

Mediation is a mandatory, non-binding settlement conference, conducted with the assistance of a Mediator. Mediation is private, confidential, and privileged from process and discovery. After mediation, the Court will be advised only that the case did or did not settle. The Mediator shall not be a witness, and the Mediator's records may not be subpoenaed or used as evidence. No subpoenas, citations, writs, or other process will be served at or near the location of any mediation session, upon any person entering, leaving or attending any mediation session.

Fees for the mediation, which will not exceed Two Hundred dollars (\$200.00) per party, will be paid directly to the Mediator, and will be taxed as costs in this case. All parties and their counsel will be bound by the Rules set forth in, CPRC § 154.001, et seq. and will complete any information forms that are required by the Mediator.

All parties named will be present during the entire mediation session. Each party that is not a natural person must be represented by an executive officer or other representative with settlement authority from the party. The authority will be active, not simply the authority to observe the mediation proceedings, but the authority to participate, negotiate, demand or offer, and bind. Insurance company or other party representatives present with the authority just described, but less than full authority to settle for the full amount of an adverse claim as pleaded, should have immediate access to a superior standing by, who is authorized to rely on the recommendation of the representative present at the mediation. Insureds who are natural persons and do not have authority to control or veto a settlement are not required to attend if represented by an Insurance company representative at the mediation.

**Rescheduling and Cancellation Fees:** In the event a party desired to reschedule the mediation hereby ordered, he must do so by contacting the Mediator directly. The Mediator shall be permitted to charge a reasonable rescheduling fee, up to the amount of the fee charged for the mediation. A new date for the mediation shall be set within 72 hours from the date of the request either by agreement between the parties or direction of the Mediator; but in all events, prior to the above deadline. Unless a court order vacating the mediation is obtained, mediation can only be cancelled if the case is settled. In the event of cancellation due to settlement, parties shall still owe the full mediation fee unless they have presented the Mediator with a signed written settlement agreement at least 72 hours before the scheduled mediation session, at which point no mediation or cancellation fee will be charged. No cancellation fee will be charged to any party who has obtained an order vacating the order of referral to mediation and has provided a copy of same to the Mediator.

**Objection to Mediation:** Any party having a reasonable basis for an objection to this referral to mediation must file with the Court a written objection as soon as possible **but not later than 15 days after the Mediator's initial contact with you.** A copy of any objection must be served on all parties pursuant to TRCP 21a, and the Mediator. Inability of any party to pay mediation fees will **not** be considered by the Court as grounds for objection unless a signed Certificate of Conference appears on the Objection stating that the objecting party has conferred with the Mediator and the Mediator will not agree to conduct the mediation session pro bono. Any objection may be submitted to the court for consideration, without an oral hearing. A notice of submission for this date, along with a proposed Order, must accompany any objection filed with the Court.