

14TH COA MEDIATION ADR

The Texas Alternative Dispute Resolution Procedures Act states it is the policy of this State to encourage the peaceable resolution of disputes and the early settlement of pending litigation through voluntary settlement procedures.

The Act provides the court may, sua sponte, or on the motion of either party, refer a pending case to alternative dispute resolution (ADR).

The goals of ADR are: (1) to increase party participation in, and satisfaction with, the judicial system; (2) to provide an alternate forum for readily accessible, fair, and appropriate means to resolve disputes; (3) to reduce the time and costs of litigation; and (4) to ease the court's heavy docket.

Procedures:

1. Appellant must complete and file this court's [docketing statement](#) within 15 days of the date of the 32.1 notice letter from our court. Within that docketing statement is a mediation section. Appellant must answer every question within the mediation section. Appellee must complete the [mediation docketing statement](#) or the [docketing statement](#) within 15 days of the date of the 32.1 notice letter from our court.
2. Once the completed docketing statements, including the mediation section, are returned, the court promptly reviews them to determine whether the case should be referred to mediation.
3. If the case is referred to mediation, the court notifies the parties by order.
4. If the case is not referred to mediation, the case continues along the normal appellate track.
5. Any party may file a written objection to the ADR referral order within 10 days of the date of the order.
6. The court shall review the objection and make a ruling within 10 days after its receipt. If the court finds a reasonable basis for the objection, it will sustain the objection and withdraw the mediation order.
7. The parties must agree on a qualified mediator and agree on a reasonable fee for the mediator's services. The Court does not recommend mediators. Mediation information is available from the Dispute Resolution Center of Harris County (713) 755-8274 and www.co.harris.tx.us/DRC, the Fort Bend Dispute Resolution Center (281) 342-5000, the Alternate Dispute Resolution Section of the State Bar of Texas www.texasadr.org and other groups. The parties are not required to use a mediator recommended or listed by these groups.
8. Mediation shall be conducted within 60 days of entry of the order of referral. The court may extend or change this time period at the request of a party, so long as the change does not delay administration of the court.
9. The appellate time table shall be suspended for 60 days from the date the order of referral is entered.
10. The mediator must file his or her report with the court within 48 hours of the completion of mediation. A copy of the report is attached to the order of mediation.
11. Upon settlement, the parties must file a dispositive motion within 10 days of the date mediation successfully concludes.

Standards for Mediators:

1. Mediators must have completed at least forty ADR training hours. For family law cases, mediators must have an additional twenty-four hours in childhood development, family law, and family dynamics.
2. The court expects mediators to comply with ethical guidelines adopted by the ADR Section of the State Bar of Texas.