

United States District Court
Northern District of Georgia
_____ Division

Plaintiff :
vs. : Civil Action No.
Defendant :

Mediation Guidelines

The undersigned agree to mediate the above-captioned matter under the following guidelines:

1. Mediation is a non-binding supervised process presided over by a qualified and neutral mediator. See N. D. Ga. LR 16.7(C)(1).
2. The mediator, _____, will conduct the mediation in order to assist the litigants in arriving in a settlement of all or some of the issues involved in the case. The mediator will determine how to structure the mediation conference. See N. D. Ga. LR 16.7(J)(1). The mediator shall be compensated at the rate of ____ per hour, or ____ per day. See N. D. Ga. LR 16.7(M)(2). The mediator is not acting in the capacity of an attorney and does not offer legal advice. All parties are encouraged to have independent legal counsel.
3. Mediation will be treated as a compromise negotiation for purposes of the Federal Rules of Evidence and the Georgia Rules of Evidence. No record shall be made of the mediation session. The mediator shall be disqualified from appearing as a witness, consultant, attorney, or expert in this matter or any future action related to this dispute. See N. D. Ga. LR 16.7(B)(3).
4. Proceedings
[] will
[] will not
be stayed during the mediation process. See N. D. Ga. LR 16.7(B)(4).
5. Once a mediator has been appointed, counsel are not allowed to have any oral or written communication

- regarding the mediation with the judge to whom this case is assigned. See N. D. Ga. LR 16.7(F)(3).
6. At least five (5) business days prior to the mediation session, the parties must submit to the mediator: (a) copies of relevant pleadings and motions, (b) a short memorandum which identifies the persons, in addition to counsel, who will attend the mediation and identifies the individuals connected to the opposing litigant whose presence would be helpful to a productive session. The mediator shall determine whether any person so identified should be requested to attend, (c) a written statement, not to exceed ten (10) pages double spaced, which summarizes the legal and factual position of each party respecting the issues in dispute, and (d) any other relevant material as the mediator requests. See N. D. Ga. LR 16.7(H)(a)-(d).
 7. At mediation, counsel shall be prepared to respond fully and candidly in a private caucus to questions by the mediator regarding the estimated costs to counsel's clients of any remaining discovery and of litigating the case through trial, including attorneys' fees and expert witnesses, and regarding the claimed damages, including the method of computation. See N. D. Ga. LR 16.7(H).
 8. The attorney primarily responsible for each litigant's case must personally attend the ADR conference and must be prepared and authorized to discuss all relevant issues, including settlement unless excused by the mediator. The litigants must also be present unless excused by court order. When a litigant is other than an individual, an authorized representative of such litigant, with full authority to settle, must attend. When a litigant has insurance coverage for the claims in dispute, an authorized representative of the insurance company, with full authority to settle, must attend. Willful failure of a party to attend the mediation will be reported by the mediator to an administrator or judicial officer for possible imposition of sanctions. See N. D. Ga. LR 16.7(I)(1).
 9. The mediation session will private. Persons other than the litigants and their representatives may attend only with the permission of all litigants and with the consent of the mediator. See N. D. Ga. LR 16.7(I)(1).

10. The mediator will fix the date and length of the mediation session. The mediation will be held at a location agreeable to the mediator and the litigants or as otherwise directed by the judge. See N. D. Ga. LR 16.7(I)(2). The mediator will arrange the mediation session at a time within thirty (30) days from the date of the notice naming the mediator, unless otherwise ordered by the judge. See N. D. Ga. LR 16.7(F)(4).
11. The mediation session, and such additional sessions as the mediator deems appropriate, will be informal. See N. D. Ga. LR 16.7(I)(3).
12. The mediator may hold separate, private caucuses with any litigant or counsel. The mediator may not disclose to any other party any information disclosed by a litigant during a caucus which that party indicates to the mediator should be treated as confidential. It will be the responsibility of each party to clearly indicate to the mediator which information is and is not deemed confidential by that litigant. See N. D. Ga. LR 16.7(I)(4).
13. Any statements made or presented during the mediation are confidential and may not be used as evidence in any subsequent administrative or judicial proceeding. See N. D. Ga. LR 16.7(I)(5).
14. If after reasonable efforts the litigants fail to develop settlement terms or upon request of the litigants, the mediator may submit to the litigants a final settlement proposal that the mediator believes to be fair. The litigants carefully will consider such proposal and, at the request of the mediator, will discuss the proposal with the mediator. The mediator may comment on questions of law at any appropriate time. See N. D. Ga. LR 16.7(J)(2).
15. The mediator will conclude the process when: (a) a settlement is reach by the litigants, or (b) the mediator concludes, and informs the litigants, that further efforts would not be useful. See N. D. Ga. LR 16.7(J)(3).

I have read and understand these guidelines for mediation. I understand that the mediator shall not provide legal or financial advice. I understand that I have been encouraged to seek independent legal advice.

Signature

Date

Signature

Date

Signature

Date

Signature

Date

Signature

Date

Signature

Date

Mediator:

Signature

Date