

2015-SV-MB-15

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COWETA COUNTY, GA

**IN THE SUPERIOR COURTS OF THE COWETA JUDICIAL CIRCUIT
STATE OF GEORGIA**

CARROLL, COWETA, HEARD, MERIWETHER & TROUP COUNTIES

STANDING ORDER NUMBER 5

IN RE: ALTERNATIVE DISPUTE RESOLUTION IN CIVIL CASES

In accordance with the mandate of the Georgia Constitution of 1983 that the judicial branch of government provide “speedy, efficient and inexpensive resolution of disputes and prosecutions”, and pursuant to Uniform Superior Court Rule 1.2, the Court enters the following Standing Order for Alternative Dispute Resolution in Civil Cases.

All contested civil matters, unless exempted, must be referred to alternative dispute resolution (hereafter “ADR”) prior to the scheduling of a pretrial conference or final hearing. ADR may take the form of binding arbitration (if all parties agree in writing) or mediation. In either event the Alternative Dispute Resolution Rules promulgated by the Georgia Supreme Court effective April 15, 1993, shall control (or the most recent amendment, revision or rewrite of said rules, in the event of same).

The Coweta Judicial Circuit ADR Program Coordinator shall be

responsible for administering the provisions of this Order. The ADR office is presently located at the Troup County Justice Center, 100 Ridley Avenue, Suite 2500, LaGrange, GA 30240. All of the forms referred to in this Order are available in the ADR Office as well as the office of each of the five Clerks of Superior Court.

MANDATED MEDIATION FOR DOMESTIC AND CIVIL CASES

This order applies to all contested domestic and general civil cases filed in the Superior Courts of the Coweta Judicial Circuit. In contested cases filed on or after July 1, 2014, the parties shall either participate in ADR or obtain an exemption from the court within 150 days of the date on which the action is filed. Unless subject to a pending order with an earlier deadline, all contested cases filed prior to July 1, 2014, shall be submitted to or exempted from ADR within 150 days from the date of this Order. In the discretion of the court, cases may be referred to ADR at any time, including prior to any temporary or other hearing. The parties or their attorneys shall complete and file an **ADR Initiation Form** and submit a copy of the Initiation Form to the ADR Office at the time of filing the complaint or answer. If the ADR Initiation Form is not timely submitted to the ADR Office, the case will automatically be referred to the ADR Program and

subject to this Order.

MANDATED MEDIATION FOR TAX APPEALS

After the certification of a tax appeal under O.C.G.A. § 48-5-311, the County Board of Assessors and the taxpayer are required to participate in the Coweta Judicial Circuit's in-house program for mediation within 90 days of the certification and prior to a pre-trial conference and trial.

ATTESTATION OF ADR PARTICIPATION OR EXEMPTION

In order to insure that a case has been submitted to an ADR process prior to pretrial conference or trial or has been exempted therefrom, at the time of request for a pretrial conference or trial, the requesting party must attest in writing that the case has been submitted to ADR or that an exemption was granted. The original attestation and a judge's copy shall be filed with the Clerk of Court. Failure to attest will result in continuance of the matter until compliance is demonstrated.

EXEMPTIONS

Mandatory Exemptions:

The following cases shall be exempt from ADR:

1. Appeals from ruling of administrative agencies;
2. Forfeitures of seized properties;
3. Habeas corpus and the extraordinary writs of mandamus, prohibition and quo warranto;
4. Bond validations;
5. Declaratory relief;
6. Family Violence Petitions;
7. Adoptions;
8. Child Support Recovery Unit cases'
9. Garnishments;
10. Cases other than domestic in which no answer is timely filed; and
11. Domestic cases in which defendant is served by publication and fails to answer the complaint.

Discretionary Exemptions:

A party or both parties may petition the Court to be exempted from the ADR requirement under this order. An ADR Exemption Petition shall be forwarded to the ADR Office. The parties may seek exemption from ADR for the following reasons:

1. The issue(s) to be considered has been previously

- submitted to dispute resolution;
2. The issue(s) presents a question of law only;
 3. A party has previously failed to participate in ADR in good faith;
 4. Domestic cases that involve violence; or
 5. Other good cause is shown before the judge to whom the case is assigned.

Such exemption shall be within the discretion of the court. Mediation of cases, which involve allegations of domestic violence, shall be subject to the Guidelines for Mediation in Cases Involving Issues of Domestic Violence as adopted by the Georgia Commission on Alternative Dispute Resolution.

FEE WAIVER OR REDUCTION

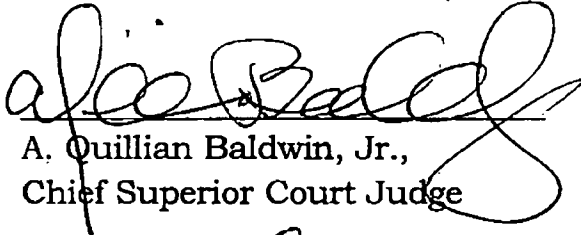
A party may petition the ADR Program for a fee reduction or waiver where circumstances warrant. ADR Fee Waiver Forms are available at the ADR Office and the Clerks' offices and must be submitted to the ADR Office for consideration. The ADR Office will use the Federal Poverty Guidelines as set forth in the Federal Register to determine eligibility. All applications for fee waivers/reductions shall be determined by the Coweta Judicial Circuit ADR Program

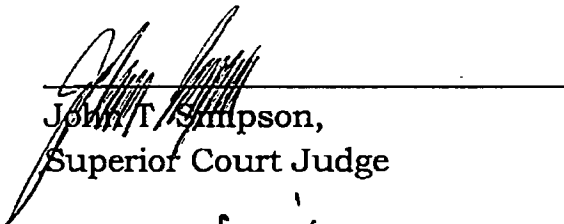
Coordinator prior to the ADR process taking place. A fee waiver or reduction is only available for mediation services and transitional parenting classes provided by the Mediation Center. If a party does not meet the criteria for a fee reduction or waiver and refuses to pay, such refusal may be the basis for a finding of contempt of this Order.

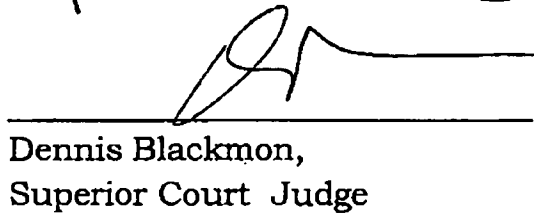
EFFECTIVE DATE OF ORDER

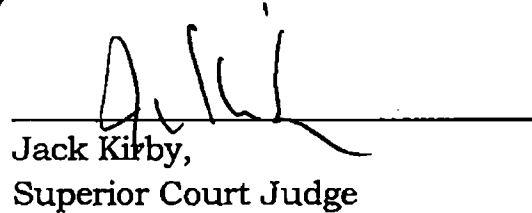
This order shall become effective on the date it is filed, and shall apply to all pending civil cases for which no pre-trial conference has been conducted.

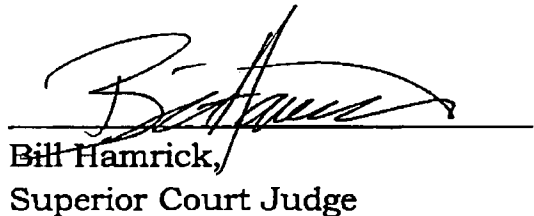
SO ORDERED this 12th day of February, 2015.

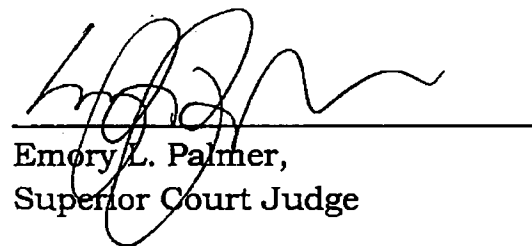

A. Quillian Baldwin, Jr.,
Chief Superior Court Judge


John T. Simpson,
Superior Court Judge


Dennis Blackmon,
Superior Court Judge


Jack Kirby,
Superior Court Judge


Bill Hamrick,
Superior Court Judge


Emory L. Palmer,
Superior Court Judge