

IN THE SUPERIOR COURT OF THE EASTERN JUDICIAL CIRCUIT
STATE OF GEORGIA

FILED IN OFFICE

2021 MAR 12 P 4: 05

ORDER MANDATING MEDIATION

Candace Bennett
DEPT. CLERK SUPERIOR COURT
CHATHAM COUNTY GA

In accordance with the mandate of the Georgia Constitution of 1985 and the branch of government provide "speedy, efficient and inexpensive resolution of disputes and prosecutions," the judges of the Superior Court of the Eastern Judicial Circuit have decided that all contested civil and domestic cases, unless exempted, must be referred to mediation prior to the granting of a pretrial conference or trial. **This order is enforceable by the contempt powers of the Superior Court.**

IT IS THEREFORE ORDERED as follows:

Pursuant to the inherent powers of this Court under the Uniform Superior Court Rule 1.2 and consistent with the Georgia Supreme Court Alternative Dispute Resolution Rules, the Superior Court hereby adopts the rules set forth herein for court-ordered mediation processes in Chatham County. The Director of the Chatham County Office of Alternative Dispute Resolution ("ADR Office") will be responsible for administering the provisions of this Order. The ADR Office is located at:

133 Montgomery Street, Room 616
Savannah, Georgia 31401
Email: ADRMeditation@chathamcounty.org
Telephone: (912) 652-7519
Fax: (912) 652-7591

MANDATED MEDIATION FOR CIVIL AND DOMESTIC CASES:

This order applies to all contested civil and domestic cases filed in the Superior Court for the Eastern Judicial Circuit. In contested cases filed on or after April 1, 2021, the parties shall either mediate or obtain an exemption from the mediation requirement within ninety (90) days of service of the complaint/petition on the defendant/respondent. At the Court's discretion, a case may be referred to mediation at any time, including prior to any temporary or other hearing. Mediation shall be conducted by a mediator registered with the Georgia Office of Dispute Resolution in the appropriate category (Civil, Domestic Relations, or Domestic Relations with Specialized Domestic Violence).

All **contested domestic cases** shall be screened by the ADR Office or the mediator prior to mediation to determine if a mediation session can be done safely and free from coercion. No later than fifteen (15) days after service of the petition on the respondent, all domestic case parties or their attorneys shall complete the mandatory screening questionnaire located at <https://godr.org/adr-screening/>. Parties unable to complete the mandatory screening

questionnaire online shall contact the ADR Office at (912)652-7519 no later than fifteen (15) days after service of the petition on the respondent to complete the screening questionnaire over the telephone.

Responses to the mandatory screening questionnaire are confidential and are used only to screen cases in accordance with the Georgia Commission on Dispute Resolution's ("GCDR") Rules for Mediation in Cases involving Issues of Domestic Violence (effective January 1, 2021) ("DV Rules"). All contested domestic cases must be screened prior to mediation; if a domestic case has not be screened by the ADR Office prior to mediation, the mediator shall not begin mediation until the case has been screened and it has been determined that mediation can be done safely and free from coercion.

MANDATED MEDIATION FOR TAX APPEALS

After the certification of a tax appeal under O.C.G.A. § 48-5-311, the Chatham County Board of Assessors and the taxpayer are required to participate in Chatham County's in-house mediation program within ninety (90) days of the certification and prior to a pretrial conference and trial. Participation in the in-house mediation program shall satisfy the requirement of mandatory mediation.

EXEMPTIONS

Mandatory Exemptions: The following cases shall be exempt from the mediation requirement:

1. Appeals from rulings 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. Actions seeking exclusively declaratory relief;
6. Family Violence Act petitions;
7. Adoptions;
8. Child Support Recovery Unit cases;
9. Garnishments;
10. Civil actions in which an answer has not been timely filed;
11. Domestic actions served by publication in which an answer has not been timely filed; and
12. Domestic actions in which one or more domestic violence factors as identified in the GCDR's DV Rules are present and the at-risk party, having been fully informed about the mediation process, chooses not to proceed with mediation or the ADR Office determines that mediation cannot be conducted safely and free from coercion.

Discretionary Exemptions: The following cases may be exempted from the mediation requirement at the discretion of the Chatham County ADR Office or the Court:

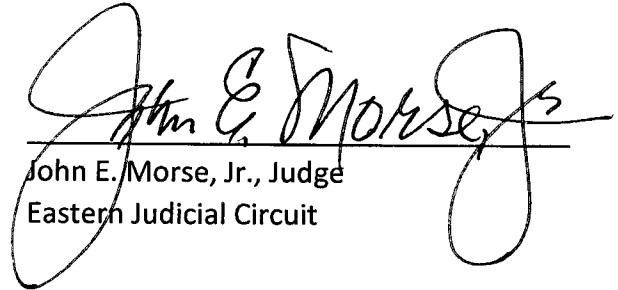
1. The issue(s) to be considered has been submitted previously to mediation;
2. The issue(s) presents a question of law only;
3. A party has previously failed to participate in mediation in good faith; or
4. Other good cause is shown.

A party seeking an exemption from the mediation requirement on discretionary grounds shall submit a written request setting forth the reason(s) for the exemption request to the Chatham County ADR Office at ADRMediation@chathamcounty.org. If the Chatham County ADR Office declines to exempt the case on discretionary grounds, the party may then petition the Court for an exemption. Said petition shall be in the form of a motion accompanied by a proposed order.

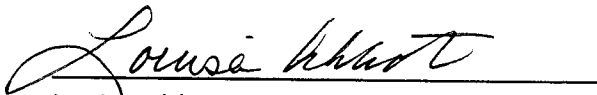
SO ORDERED this 12th day of March, 2021.



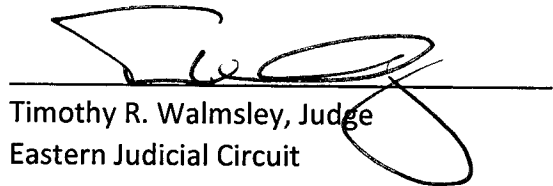
Penny Haas Freesemann, Chief Judge
Eastern Judicial Circuit



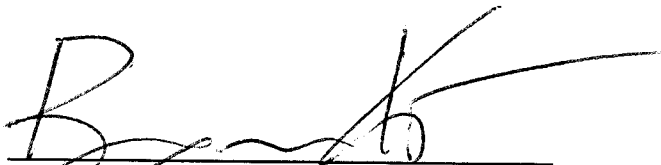
John E. Morse, Jr., Judge
Eastern Judicial Circuit



Louisa Abbot, Judge
Eastern Judicial Circuit



Timothy R. Walmsley, Judge
Eastern Judicial Circuit



Benjamin W. Karpf, Judge
Eastern Judicial Circuit



Lisa Goldwire Colbert, Judge
Eastern Judicial Circuit