

IN THE SUPERIOR COURT OF CHATHAM COUNTY  
STATE OF GEORGIA

*[Signature]*  
FILED IN OFFICE

**ORDER MANDATING ALTERNATIVE DISPUTE RESOLUTION** 2010 JAN -3 PM 3:59

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," the judges of the Eastern Judicial Circuit have decided that all contested civil matters, unless exempted, must be referred to alternative dispute resolution (ADR) 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 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-referred ADR processes in Chatham County. The ADR Program Director will be responsible for administering the provisions of this Order. The ADR office is located in the Chatham County Courthouse, 133 Montgomery Street, Room 426, Savannah, Georgia 31401, telephone (912) 652-7519, fax (912) 652-7591, web page located at [www.chathamcounty.org/adr.html](http://www.chathamcounty.org/adr.html). All of the forms referred to in this Order are available in the Clerk of Superior Court's Office and also available online at <http://www.chathamcounty.org/supctclk.html> and [www.chathamcounty.org/adr.html](http://www.chathamcounty.org/adr.html).

**MANDATED MEDIATION FOR DOMESTIC AND CIVIL CASES:**

This order applies to all contested domestic and general civil cases filed in the Superior Court for the Eastern Judicial Circuit. In contested cases filed on or after January 1, 2011, the parties shall either attempt 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 January 1, 2011, 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 Civil or Domestic Initiation Form** and submit a copy of the Initiation Form to the ADR Office in Room 426 of the Courthouse 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 Process 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 Chatham County Board of Assessors and the taxpayer are required to participate in Chatham County's in-house program for mediation within 90 days of the certification and prior to a pre-trial conference and trial. Participation in the in-house mediation program will satisfy the requirement of mandatory mediation.

**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, no party should request a pre-trial conference or trial without first complying with this Order. 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. The form of attestation shall be substantially as follows:

I, \_\_\_\_\_, (name of attorney or pro se party) hereby certify that \_\_\_\_\_ (name of case and civil action number) has been

- ☐ Submitted to ADR or  
☐ Has been exempted from ADR.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

## **EXEMPTIONS:**

### **Mandatory Exemption:**

The following cases shall be exempt from ADR:

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. 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 Exemption:**

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 exemptions 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.

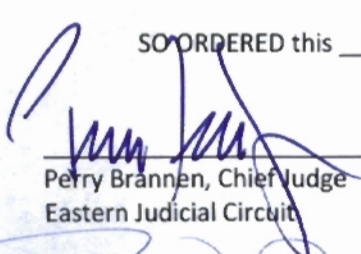
## **FEE WAIVER OR REDUCTION**

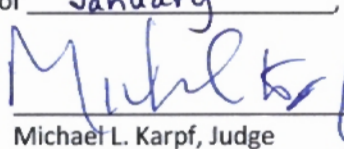
A party may petition the ADR Program for a fee reduction or waiver where circumstances warrant. ADR Fee Waiver Forms are available at <http://www.chathamcounty.org/supctclk.html> and [www.chathamcounty.org/adr.html](http://www.chathamcounty.org/adr.html) and must be submitted to the ADR Office, 133 Montgomery Street, Room 426, Savannah, Georgia 31401. 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 made three (3) days prior to the date of the mediation, arbitration or other form of ADR. No application will be granted after an ADR process has taken 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.

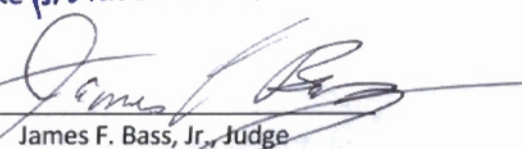
## **EFFECTIVE DATE OF ORDER**

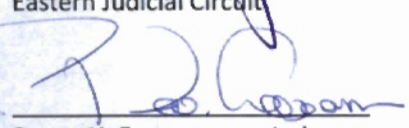
This order shall apply to all cases filed on or after January 1, 2011.

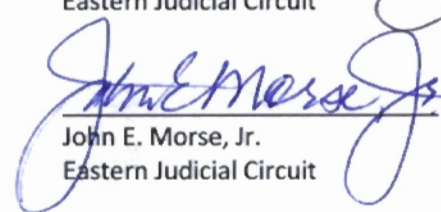
SO ORDERED this 3rd day of January, 2011. *nunc protunc Jan 3, 2011.*

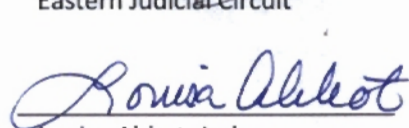
  
Perry Brannen, Chief Judge  
Eastern Judicial Circuit

  
Michael L. Karpf, Judge  
Eastern Judicial Circuit

  
James F. Bass, Jr., Judge  
Eastern Judicial Circuit

  
Penny H. Freesemann, Judge  
Eastern Judicial Circuit

  
John E. Morse, Jr.  
Eastern Judicial Circuit

  
Louisa Abbot, Judge  
Eastern Judicial Circuit