

IN THE DISTRICT COURT OF EL PASO COUNTY, TEXAS

388TH JUDICIAL DISTRICT COURT

IN THE INTEREST OF:

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CAUSE NO. _____

ORDER OF REFERRAL TO MEDIATION

This case is appropriate for mediation pursuant to Tex. Civ. Prac. & Rem. Code Sections 154.001 et seq., and that _____ or any person hereafter appointed is appointed Mediator in the above case.

The following information shall be provided to the mediator:

- a. A list of contested issues of fact and stipulations of fact;
- b. Legal issues to be decided by the court;
- c. Proposed final parenting plan. (Fam. Code § 153.603)

The Court ORDERS all information shall be completed by each of the parties with assistance of counsel on or before _____ and delivered by fax to the Mediator.

The Court ORDERS the case shall be mediated on the _____ day of _____ 200____ at ____:____ a.m./ p.m.____. The Mediator is granted the discretion to adjourn the first Mediation session and schedule additional sessions as necessary to facilitate resolution of all matters related to the dissolution of all issues. The fees will be assessed as follows: each party shall pay one half of the Mediation fee.

This Mediation is a mandatory and binding settlement conference, conducted with the assistance of the Mediator. Mediation is private, confidential and privileged from discovery. The parties are ORDERED to commit to participate in the proceedings in good faith with the intention to settle, if at all possible. After mediation, the Mediator will advise the Court that the case did or did not settle. The Mediator shall not be a witness nor may the Mediator's records be subpoenaed or used as evidence. No subpoenas, citations, writs or other process shall be served at or near the location of any mediation session, upon any person entering, leaving or attending any mediation session.

The Mediation Fees ORDERED shall be payable to the respective Parties' Attorney's Trust Account Under IOLTA, and shall be delivered as ordered directly to the Mediator before Mediation commences. All parties and their counsel will be bound by the Rules for Mediation attached and shall complete the information ordered.

Named parties and their respective counsel are ORDERED to be present during the entire mediation process. Each party and counsel present must have sufficient authority to settle this matter, in the event settlement is reached. The authority required shall be active, not simply the authority to observe the mediation proceedings, but the authority, in the discretion of the party and or counsel representative, to participate, negotiate, demand or offer, and bind.

It is further ORDERED that the Mediator shall encourage and assist the parties in reaching settlement of their dispute but may not compel or coerce the parties to enter into a settlement agreement.

It is further ORDERED that the referral of this case to Mediation will not delay or modify any time period relating to its disposition, without express order of the Court.

It is further ORDERED that upon completion of the Mediation, the Mediator will file with the Court an order approving fees and Mediator's Mediation Report which is to state when the Mediation was conducted, whether the parties and their counsel appeared as ordered, whether a settlement resulted, and what fees were paid by each party. Such a post-mediation report is not to contain any additional information, which might breach the principles of confidentiality and privacy noted herein. Said order approving fees and report shall be filed with the Court within three court days of the date or completion of the mediation process.

This Order for Mediation is not a substitute for trial and the above entitled and numbered cause will be tried if settlement is not reached.

- PROPOSED BY**
- SIGNED & RENDERED:**

ASSOCIATE JUDGE

DATE

- REJECTED,**
- MODIFIED,**
- ADOPTED, by the Referring Court on _____200__.**

PATRICIA A. MACIAS
JUDGE PRESIDING