

IN THE SUPERIOR COURTS OF ATLANTIC JUDICIAL CIRCUIT
STATE OF GEORGIA

ORDER MANDATING ALTERNATIVE DISPUTE RESOLUTION

In accordance with the mandate of the Georgia Constitution of 1983 that the judicial branch of the government provide "speedy, efficient and inexpensive resolution of disputes and prosecutions," the judges of the Atlantic Judicial Circuit have decided that all the 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 process in Atlantic Judicial Circuit. The ADR Program Director will be responsible for administering the provisions of this Order. The ADR office is in the Liberty County Justice Center, 201 S. Main St. Suite 3101-C, Hinesville, GA, 31313, telephone (912) 876-8527, fax (912) 307-3760, web page located at <http://firstjudicialdistrict.org/atlantic-judicial-circuit/alternative-dispute-resolutions/>. All the forms referred to in this Order are available in the Clerk of Superior Courts office and available on line at <http://firstjudicialdistrict.org/atlantic-judicial-circuit/alternative-dispute-resolutions/>.

MANDATED MEDIATION FOR DOMESTIC AND CIVIL CASES:

This order applies to all contested domestic and general civil cases filed in the Superior Courts for the Atlantic Judicial Circuit. In contested cases filed on or after July 1st, 2017, the parties shall either attempt ADR or obtain an exemption from the court within 90 days of the last responsive pleading or 90 days from when the responsive pleading was due. Unless subject to a pending order with an earlier deadline, all contested cases filed prior to July 1st, 2017, shall be submitted to or exempted from ADR within 120 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 said form to the ADR office in suite 3101-C of the Liberty County Justice Center at the time of filing the complaint or the 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.***

ATTESTATION OF ADR PARTICIPATION OR EXEMPTION

In order to ensure 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 pre-trial 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 shall be filed with the Clerk of Court and a copy submitted to the ADR office. 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 Exemptions:

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 warrant to;
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. A copy of any 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 alternative 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 to the judge to whom the case is assigned.

Such exemptions shall be within the discretion of the Court. Mediation of cases involving 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

A party may petition the ADR Program for a fee waiver where circumstances warrant. ADR Fee Waiver Forms are available at <http://firstjudicialdistrict.org/atlantic-judicial-circuit/alternative-dispute-resolutions/> or the Clerk of Courts office, or by calling the ADR Program office at 912-876-8527. All Fee Waiver Forms must be submitted to the ADR Program at 201 S. Main St., Suite 3101-C, Hinesville, GA. 31313. The ADR office will use the Federal Poverty Guidelines as set forth in the Federal Register to determine eligibility. All applications for fee waivers shall be made prior to scheduling mediation, arbitration or other form of ADR. No application will be granted after an ADR process has taken place. Parties hiring an attorney are not eligible for a fee waiver. If a party does not meet the criteria for a fee 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 July 1st, 2017.

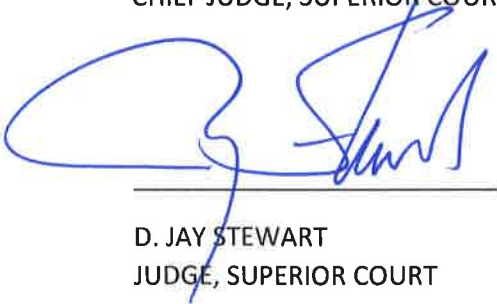
SO ORDERED this 12th day of June 2017. Nunc pro tunc July 1st, 2017



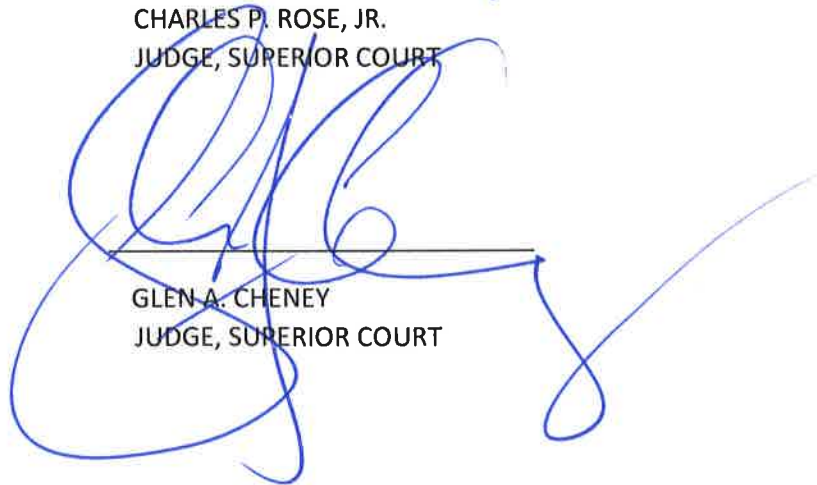
ROBERT L. RUSSELL, III
CHIEF JUDGE, SUPERIOR COURT



CHARLES P. ROSE, JR.
JUDGE, SUPERIOR COURT



D. JAY STEWART
JUDGE, SUPERIOR COURT



GLEN A. CHENEY
JUDGE, SUPERIOR COURT