

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

CAUSE NO. _____

_____	§	IN THE COUNTY COURT
_____	§	
_____	§	
_____	§	
_____	§	AT LAW NO _____
_____	§	
_____	§	
_____	§	
_____	§	COLLIN COUNTY, TEXAS

ORDER OF REFERRAL TO MEDIATION
(Probate)

The above referenced case is referred to mediation in accordance with the Texas Civil Practices and Remedies Code and/or the Texas Estates Code. The **Collin County Alternative Dispute Resolution Program (CCAP)** is appointed to mediate in this case, and all counsel are ordered to contact CCAP to arrange the logistics of mediation within ten (10) days from the date of this Order. CCAP's email address and telephone number are as follows:

contact@collinadr.com
214-617-2394

This mediation is a mandatory settlement conference, conducted with the assistance of the mediator. If an agreement is reached in mediation, a mediated settlement agreement is signed at the mediation. A mediated settlement agreement is binding on the written agreement of the parties. Mediation is private, confidential, and privileged, except as provided by applicable law. After mediation, the Court will be advised by the mediator, the parties, and counsel only that the case did or did not settle. The mediator shall not be a witness, and the mediator's records may not 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 on any person entering, leaving, or attending any mediation session. Each party and counsel shall be bound by any rules for mediation furnished by the mediator and shall complete and supply all information requested by the mediator.

IT IS ORDERED that all named parties and lead attorneys shall be present during the entire mediation process and that each corporate party must be represented by an executive officer with authority to negotiate a settlement (if applicable). Counsel and parties are ORDERED to proceed in a good-faith effort to try to resolve this case and shall agree on a mediation date within the 10 days following the date of this Order. If no agreed date can be scheduled within the next 10 days, CCAP shall select a date for the mediation, and all counsel and parties are ORDERED to appear as directed by CCAP. Any date so scheduled by CCAP is incorporated in this Order as the date on which the mediation shall occur. Referral to mediation is not a substitute for trial, and the case will be tried if not settled.

IT IS FURTHER ORDERED that all the parties do the following:

1. **Safety Notification:** Notify CCAP via email at contact@collinadr.com at least 21 days before the date of mediation, or immediately upon entry of this Order if the mediation is scheduled less than 21 days from the date of this order, if there is any allegation, by either party, of domestic violence having been committed by either party, or any person attending the mediation, or if there is any reason the party believes his or her personal safety would be in jeopardy at mediation if mediation is conducted in person.
2. **Fees:** Pay the mediation fee assessed herein prior to, or concurrently with, the scheduling of the mediation which shall occur no later than ten days before the mediation. IT IS ORDERED that, if a cause of action is brought under the Texas Family Code and if Exhibit A indicates a higher mediation level/fee for any party to the mediation, CCAP shall assess the fee indicated prior to, or on the date of, mediation and mediation shall not commence until said additional fee has been paid. IT IS SPECIFICALLY ORDERED that CCAP is under no obligation to schedule the mediation until the assessed fee is paid.

IT IS ORDERED, the mediation levels shall be set by the "Amount in Controversy" plead by the parties. **However, IT IS ORDERED** that, if during mediation it is discovered that the amount in controversy is higher than the amount indicated by the parties prior to mediation which then indicates a higher mediation level/fee for any party to the mediation, DCAP shall assess the fee indicated on the date of mediation and mediation shall not continue until said additional fee has been paid.

IT IS FURTHER ORDERED that, if the parties indicate different mediation levels because of disputed valuations of the claim(s), the higher valuation shall control the mediation level for both parties.

MEDIATION LEVELS

The following levels have been approved through the Commissioner's Court, please do not modify.

☐ **Level 1.** Indigent (Check One or Both)

☐ Petitioner, _____, has been judicially determined by this court to be indigent. Mediation will be conducted at no charge to this individual.

☐ Respondent, _____, has been judicially determined by this court to be indigent. Mediation will be conducted at no charge to this individual.

☐ **Level 2.** The value of the estate or the amount in controversy is less than \$250,000.00. (Check One)

☐ The cost of mediation is \$150.00 per Party/Plaintiff/Respondent (Circle One)

☐ The \$300.00 mediation fee shall be taxed to Petitioner who is ORDERED to pay the entire \$300.00 mediation fee to CCAP .

☐ The \$300.00 mediation fee shall be taxed to Respondent who is ORDERED to pay the entire \$300.00 mediation fee to CCAP no later than ten days prior to the mediation.

☐ **Level 3.** The value of the estate or amount in controversy is between \$250,000 and \$750,000. (Check One)

☐ The cost of mediation is \$900.00 per Party/Plaintiff/Respondent (Circle One)

☐ The \$1,800.00 mediation fee shall be taxed to Petitioner who is ORDERED to pay the entire \$1,800.00 mediation fee to CCAP no later than ten days prior to the mediation.

☐ The \$1,800.00 mediation fee shall be taxed to Respondent who is ORDERED to pay the entire \$1,800.00 mediation fee to CCAP wno later than ten days prior to the mediation.

☐ **Level 4.** The value of the estate or the amount in controversy is more than \$750,000.
(Check One)

☐ The cost of mediation is \$1,500.00 per party

☐ The \$3,000.00 mediation fee shall be taxed to Petitioner who is ORDERED to pay the entire \$3,000.00 mediation fee to CCAP no later than ten days prior to the mediation.

☐ The \$3,000.00 mediation fee shall be taxed to Respondent who is ORDERED to pay the entire \$3,000.00 mediation fee to CCAP no later than ten days prior to the mediation.

SIGNED on _____.

JUDGE PRESIDING

Certification of Amount in Controversy of the parties:

I hereby certify to the best of my knowledge, that the below level correctly reflects the amount in controversy for my client:

- _____ LEVEL 1: My client is indigent
_____ LEVEL 2: Less than \$250,000.00
_____ LEVEL 3: \$250,000.00 to \$750,000.00
_____ LEVEL 4: Greater than \$750,000.00

Signed on _____

Attorney for Petitioner

Certification of Amount in Controversy of the parties:

I hereby certify to the best of my knowledge, that the below level correctly reflects the amount in controversy for my client:

- _____ LEVEL 1: My client is indigent
_____ LEVEL 2: Less than \$250,000.00
_____ LEVEL 3: \$250,000.00 to \$750,000.00
_____ LEVEL 4: Greater than \$750,000.00

Signed on _____

Attorney for Respondent