

IN THE SUPERIOR COURTS OF THE COWETA JUDICIAL CIRCUIT
STATE OF GEORGIA

IN REPOSE TO JUDICIAL EMERGENCY DECLARATION

ADDENDUM TO STANDING ORDER NUMBER 5

IN RE: ALTERNATIVE DISPUTE RESOLUTION IN CIVIL CASES

To combat the public health emergency posed by COVID-19 and prevent the delay of justice and a backlog of cases once the emergency abates, parties shall utilize videoconferencing for mediation.

Chief Justice Harold Melton's "Order Declaring Statewide Judicial Emergency" issued on March 14, 2020 and Amended March 14, 2020, and this Court's "Order Declaring Judicial Emergency" dated March 16, 2020, encouraged non-essential Court proceedings, where possible, to be done by videoconferencing.

Chief Justice Harold Melton's "Order Extending Declaration of Statewide Judicial Emergency" issued on April 6, 2020, and this Court's "Order Implementing Chief Justice Harold D. Melton's Order Declaring a Statewide Judicial Emergency" issued April 9, 2020, encouraged courts and litigants "to proceed to the extent feasible .. through the use of teleconferences and videoconferences, to reduce backlogs when the judicial emergency ends."

In response to the orders of the Court, the Georgia Office of Dispute Resolution provided training for Mediators in the use of videoconferencing platforms and document signing platforms to enable mediators to continue to conduct mediations to aide the Court in its efforts to prevent backlog once the Judicial Emergency expires and allow parties to resolve matters pending court hearings.

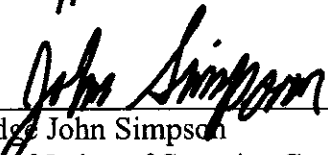
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KYMESHIA T. GIBSON
CLERK OF SUPERIOR COURT,
MENOWETH COUNTY, GEORGIA

Chief Justice Harold Melton’s “Second Order Extending Declaration of Statewide Judicial Emergency”, recognizing that most court facilities are not prepared to comply with social distancing and other public health requirements necessary to safeguard the health of participants, grants courts the authority to compel litigants and lawyers to participate in remote judicial proceedings. In response to said Declaration, this Court’s “Third Order Addressing Judicial Emergency”, issued on May 21, 2020, now requires civil cases in Carroll County be heard by videoconferencing and that cases in Troup County and Heard County will heard using online platforms wherever possible. Until further notice, mediations also will occur via videoconferencing, subject to the requirements set forth in the Addendum to Guidelines issued by the ADR Program and attached hereto as Exhibit “A”.

Only those case types listed in Standing Order Number 5 as “Mandatory Exemptions” are exempt from video-conferenced mediation. Any party objecting to video-conferenced mediation shall raise said objection with the Court with notice to the opposing party.

Subsequently, the requirement of the ADR Program’s Rule that parties appear “in person” is satisfied when the parties appear for video-conferenced mediation in compliance with the Addendum to Guidelines issued by the ADR Program.

It is So Ordered *JWS*
This 11 day of ~~May~~, 2020.



Judge John Simpson
Chief Judge of Superior Court
Coweta Judicial Circuit

Exhibit A

Addendum to Guidelines for Mediation

In addition to the “Guidelines for Mediation” issued July 2019, the following supplemental guidelines apply to virtual mediation:

Prior to Mediation:

1. All participants must use a laptop, desktop, tablet, or phone with camera and microphone and charging cord.
2. No participant may use public wi-fi. By signing below, participants acknowledge that they are participating from a secure wi-fi or hard wired connection and are not using public wi-fi.
3. Participation must not be from a location that compromises the privacy and confidentiality of the session or a location where distractions cannot be eliminated.
4. Parties agree to use the on-line platform selected by the mediator. All parties should communicate via the chosen platform with their attorney at least 72 hours prior to the mediation in order to demonstrate their capability of mediating using the selected video conferencing platform. Any issue(s) that would prevent the party’s participation in the scheduled online mediation must be communicated to their attorney (if represented) and to the ADR office at least 48 hours prior to the mediation. Failure to do so will result in a \$200.00 cancellation fee.
5. Parties must provide a contact phone number where they can be reached during the mediation and must have a phone number to reach their attorney during the mediation. The parties should provide their number to their attorney, if represented, or the ADR Program coordinator if unrepresented, at least 48 hours prior to the mediation session.
6. Participant must be able to remit payment electronically at the conclusion of the mediation session or make arrangements in advance to pay their attorney and have the attorney remit payment electronically.

During Mediation:

Mediation continues to be privileged and confidential and parties are required to mediate in good faith. Therefore participants agree to the following additional safeguards to protect the process and an agreement reached during the process:

1. The mediator has taken reasonable steps to provide a confidential and secure virtual environment. Each participant affirms by their signature below that they are alone in the room from which they attend mediation and cannot be overheard by others.

2. Participants acknowledge that there is some inherent risk associated when information is conveyed via telecommunications platforms, including videoconferencing and electronic document sharing services.
3. The entire mediation process is confidential including communication with the mediator via email, chat, text messaging, notes or phone calls during the session and communication necessary to schedule the mediation.
4. Parties agree not to record any portion of the mediation process nor allow anyone else to do so.
5. Only the mediator, attorneys, and parties shall participate in mediation unless both parties have agreed in advance to other persons attending and any other person attending must have signed the guidelines addendum prior to the mediation session.
6. Participants shall disclose to the mediator and other participants the names and ages of other persons within the location.
7. The mediator has the right to terminate a session if the mediator learns that any participant has violated the rules for mediating via video-conference platform. The participant violating the rules shall be liable for the mediator's fee (minimum \$200.00).
8. Breaches of privacy and confidentiality due to technical failure shall immediately be brought to the attention of the mediator and do not relieve all participants from the duty of maintaining confidentiality. The parties acknowledge by their signatures below that they will preserve the confidentiality of the mediation session even if the confidentiality or a portion or all of the mediation session is breached due to a technical failure or any other reason.
9. The parties agree to be respectful in all communication, allowing each participant to finish his/her comment before responding. It is important to verbalize all communication during an online session because hand gestures and nodding of the head may be distorted in transmission.
10. The mediator may place participants in separate virtual rooms so that your conversation will not be heard by other participants. In the event you are able, for any reason, to hear communication intended to be private with the other party and the mediator or counsel, you agree to IMMEDIATELY terminate participation in the online session and contact the mediator or ADR Program Coordinator at the number provided to you prior to the mediation session.
11. Parties understand that the mediator will use a document sharing program as an online platform to transmit documents and information relative to the mediation process and for signature. Parties agree to utilize the document sharing program to send, receive, and sign documents. In the event documents cannot be electronically signed, the parties agree to receive, print, sign, and return via overnight mail executed documents.
12. Parties understand that, despite all best efforts, there may be an interruption with technology that is beyond the control of the mediator and participants. If your

connection to the mediation session is lost or interrupted, please attempt to log in again. If you are unable to log back in, please call or email your mediator or the ADR Program coordinator. If technology issues cannot be resolved in a reasonable time, the online mediation session will be canceled and rescheduled as soon as possible.

CHILDREN:

Mediation regarding child custody, child support, and visitation requires that participants take the necessary steps to insure their conversation is private and cannot be overheard by any minor or third party not authorized to be a part of the mediation. If necessary, it is the party's obligation to make advance childcare arrangements and/or use audio devices (e.g., headphones) to insure compliance with this requirement. Because mediation may last several hours, appropriate childcare arrangements should be made to avoid interruption of the mediation process.

Date Mediator

Complainant Respondent

Attorney for Complainant Attorney for Respondent

Other: Other:
Relationship to case: _____ Relationship to case: _____