



# Superior Court of California County of Kings Civil Mediation Program Information Packet

## **Overview**

Mediation is a useful alternative to litigation that allows individuals to resolve disputes outside of court in a cooperative manner. In mediation, the mediator (a neutral) assists the parties in reaching a mutually acceptable resolution of their dispute. The mediator **does not** decide how the dispute will be resolved, the parties do. It is a cooperative process guided by the mediator to create an agreement that addresses each person's interests. Mediation often leads to better communication between the parties and lasting resolutions. It is particularly effective when parties have a continuing relationship, such as neighbors or businesses. It is also very effective where personal feelings get in the way of a resolution. Mediation normally gives the parties a chance to express their concerns in a voluntary and confidential process while working towards a resolution. Mediation is commonly used for most civil case types and can provide the greatest level of flexibility for parties.

As set forth in Standing Order No. 2024-06, Kings County Superior Court has now established an in-house Civil Mediation Program at no additional cost to eligible litigants. This packet provides information and instructions regarding this program.

## **Eligibility**

Parties subject to Local Rule 209 regarding Mandatory Mediation where the demand in the case does not exceed \$500,000, as well as those other parties ordered by the court to attend mediation, are eligible to participate in the program.

## **Procedure for Participation in the Civil Mediation Program**

Eligible parties intending to participate in the Civil Mediation Program must complete and file with the court a Stipulation Regarding Mediation. This form is included at the end of this packet, which can be found on the court's website at [www.kings.courts.ca.gov](http://www.kings.courts.ca.gov). There is no filing fee for this form. Upon approval and selection for the Program, the parties will then be contacted by the assigned mediator. Parties should note that participation in the Civil Mediation Program, including the filing of the Stipulation Regarding Mediation, does not eliminate the need for proper and timely filing of case documents, including pleadings, and complying with discovery requirements and other rules of Civil Procedure.

Mediation is conducted as a two-phase process. Counsel for the parties will attend a pre-mediation session with the Program Mediator during which certain deadlines and a mediation schedule will be set. Parties will also be expected to complete a Mediation Confidentiality Agreement. The pre-mediation session may be conducted remotely.

The mediation session (usually 3 hours) will take place on the mutually agreed-upon date. Remote appearances are **NOT** authorized for mediation sessions and must be conducted in person at the Kings County Superior Court, 1640 Kings County Drive in Hanford, California.

During the pendency of the mediation or in the event no resolution could be reached, the parties will be required to complete and submit to the court as a confidential document a Mediation Status Report (included in this packet and on the court's website) to inform the court of the status and progress of the parties' mediation efforts.

### **Reaching an Agreement**

Agreements reached through the Civil Mediation Program can be put into writing and will become enforceable once adopted and ratified by the court. Alternatively, pursuant to Code of Civil Procedure Section 664.6, the parties may place their agreement on the record immediately following mediation, with the Mediator (a temporary assigned judge) acting in the capacity of a judicial officer. Parties may choose to seek the advice of their counsel as to their legal rights and other matters relating to the dispute before finalizing any agreement.

### **Private Mediation**

Ineligible litigants, including those who are required to attend mediation under Local Rule 209 but where the demand exceeds \$500,000, unrepresented parties, or those parties who otherwise voluntarily elect to pursue a resolution through mediation, may consult the court's fee-based Mediator Referral List, which can be found on the court's website at [www.kings.courts.ca.gov](http://www.kings.courts.ca.gov).

**For further information, please contact the Civil Mediation Program Administrator Hope Hernandez at [hhernandez@kings.courts.ca.gov](mailto:hhernandez@kings.courts.ca.gov) .**

ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>Name, state bar number, and address</i> ):	FOR COURT USE ONLY
TELEPHONE NO: _____ FAX NO: _____ ATTORNEY FOR ( <i>Name</i> ): _____	
<b>SUPERIOR COURT OF CALIFORNIA • COUNTY OF KINGS</b> 1640 Kings County Drive Hanford, California 93230 (559) 582- 1010	
PLAINTIFF/PETITIONER: _____ DEFENDANT/RESPONDENT: _____	
<b>STIPULATION REGARDING MEDIATION</b>	CASE NUMBER: _____

The parties stipulate that they will engage in the Mediation process:

\_\_\_\_\_ has been selected as the mediator

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The parties acknowledge that they shall engage in mediation. The mediation must be completed prior to the Mandatory Settlement Conference. Unless excused but the Court upon a timely showing of good cause by written declaration, failure to complete mediation may result in the cancellation of a Mandatory Settlement Conference.

Parties will be required to file a Mediation Status Report at least 10 days prior to the Mandatory Settlement Conference. Failure to do so may result in an Order to Show Cause (OSC) hearing set by the court.

_____ Date	_____ Type or Print Name	<u>/S/</u> _____ Signature of Party or Attorney for Party
_____ Date	_____ Type or Print Name	<u>/S/</u> _____ Signature of Party or Attorney for Party
_____ Date	_____ Type or Print Name	<u>/S/</u> _____ Signature of Party or Attorney for Party
_____ Date	_____ Type or Print Name	<u>/S/</u> _____ Signature of Party or Attorney for Party

Additional signatures on Stipulation Regarding Attachment

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):	FOR COURT USE ONLY
TELEPHONE NO: _____ FAX NO: _____ ATTORNEY FOR (Name): _____	
<b>SUPERIOR COURT OF CALIFORNIA • COUNTY OF KINGS</b> 1640 Kings County Drive, Hanford, California 93230 (559) 582-1010	
PLAINTIFF/PETITIONER:  DEFENDANT/RESPONDENT:	
<b>MEDIATION STATUS REPORT</b>	CASE NUMBER: _____

Type of Civil Case:

Personal Injury – Property Damage/Auto     Personal Injury – Property Damage     Contract     Other \_\_\_\_\_

Date Complaint Filed: \_\_\_\_\_

Amount in controversy:

\$0 to \$25,000     \$25,000 to \$50,000     \$50,000 to \$100,000     Over \$100,000.00 (specify) \_\_\_\_\_

Date of Mediation: \_\_\_\_\_

Name, address, and telephone number of person who conducted the Mediation:

\_\_\_\_\_

Case resolved by Mediation:

Yes (proper filing of a **Notice of Settlement** or **Dismissal** form is required by clerk's office)

No Reason: \_\_\_\_\_

Mediation process concluded:

Yes

No Reason for delay: \_\_\_\_\_

Next scheduled hearing date: \_\_\_\_\_

Case was resolved by:

Direct Result of Mediation

Indirect Result of Mediation

Resolution was unrelated to Mediation

If case went through and resolved, estimate the closest dollar amount that was saved in attorney fees and/or expert witness fees by participating in the process.

\$0    \$250    \$500    \$750    \$1,000    More than \$1,000 (specify) \_\_\_\_\_

If case went through and did not resolve, estimate the closest dollar amount of additional costs incurred due to participation in the process.

\$0    \$250    \$500    \$750    \$1,000    More than \$1,000 (specify) \_\_\_\_\_

**Case Number:**

Check the closest estimated number of court days you saved in motions, hearings, conferences, trials, etc. as a direct result of this case being referred to this mediation process:

0 Days                       1 Day                       More than 1 day (specify) \_\_\_\_\_

If the mediation process caused an increase in court time for this case, please check the estimated number of additional court days:

0 Days                       1 Day                       More than 1 day (specify) \_\_\_\_\_

I would be willing to use the Mediation process again:

Yes                       No

Please provide any additional comments below regarding your experience with the process: