



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. 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.

For further information, please contact the Civil Mediation Program Administrator Hope Hernandez at 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>):	
SUPERIOR COURT OF CALIFORNIA • COUNTY OF KINGS 1640 Kings County Drive Hanford, California 93230 (559) 582- 1010	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	
STIPULATION REGARDING MEDIATION	CASE NUMBER:

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

The parties further Stipulate that _____ has been selected as the mediator

Address: _____
City, State, Zip _____
Phone Number: _____

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
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☐ 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):	
SUPERIOR COURT OF CALIFORNIA • COUNTY OF KINGS 1640 Kings County Drive, Hanford, California 93230 (559) 582-1010	
PLAINTIFF/PETITIONER:	
DEFENDANT/RESPONDENT:	
MEDIATION STATUS REPORT	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:

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The parties further Stipulate that _____ has been selected as the mediator

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Phone Number: _____

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☐ Additional signatures on Stipulation Regarding Attachment

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TELEPHONE NO: FAX NO:	
ATTORNEY FOR (Name):	
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PLAINTIFF/PETITIONER:	
DEFENDANT/RESPONDENT:	
MEDIATION STATUS REPORT	CASE NUMBER:

Type of Civil Case:

☐ Personal Injury – Property Damage/Auto ☐ Personal Injury – Property Damage ☐ Contract ☐ Other _____

Date Complaint Filed: _____

Amount in controversy:

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☐ 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

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Case Number:

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I would be willing to use the Mediation process again:

☐ Yes ☐ No

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



Office of the Court Executive
Superior Court of the State of California
County of Kings

Nocona Soboleski
Court Executive Officer
and
Clerk of the Court

Mediation Confidentiality Agreement

Case Number: _____

1. The parties hereby stipulate to mediation and, in doing so, agree to the following:

Confidentiality

2. The provisions of the Evidence Code §§1115-1129 apply to this mediation, including the requirement for counsel to obtain from client(s) the printed disclosure regarding confidentiality, as set forth in §1129.
3. The parties hereby agree that, by signing this Agreement, the mediation will be confidential. Therefore, nothing the parties present during mediation, verbally or in the form of documents, will be admitted into evidence in a future court proceeding. However, any evidence otherwise admissible, or subject to discovery outside of the mediation, is not protected under the confidentiality portion of this Agreement.
4. The mediator in this matter may not be called as a witness at a hearing or any other court proceeding. Furthermore, you cannot compel the mediator to disclose the substance of any discussions that take place during the mediation.

Exceptions to Confidentiality

5. If the parties come to a mutually acceptable written agreement, as a result of this mediation, confidentiality does not protect the written agreement. Your signature on the written agreement constitutes a waiver of confidentiality, for that specific agreement, pursuant to Evidence Code §1122. If the mediator, or any participant, becomes aware of the commission, or likely commission, of a crime, confidentiality may be inapplicable.
6. You have the right to speak with an attorney regarding conversations that take place during mediation. Therefore, you are allowed to disclose otherwise confidential information to your attorney.

Mediator's Responsibilities

7. The mediator, and the parties involved in this matter, agree that the mediator is not practicing law and owes no legal duty to them by virtue of their capacity as mediator for this case. The mediator will not act as either party's attorney either during mediation or any time in the future. Additionally, the mediator agrees not to take sides or favor one party over another.
8. The mediator has no power to make decisions, or authority to render a binding judgment, on the parties. Therefore, your participation in this mediation is completely voluntary.

I have read the forgoing and agree to be bound by the terms hereof:

Petitioner (Print Name)

Respondent (Print Name)

Petitioner (Signature) Date

Respondent (Signature) Date

Attorney for Petitioner (Print Name)

Attorney for Respondent (Print Name)

Attorney for Petitioner (Signature) Date

Attorney for Respondent (Signature) Date

Mediator Date