

1 **2-805. Mediation.**

2 A. **Purpose.** The purpose of mediation programs in the magistrate courts is the early,
3 efficient, cost-effective, and informal resolution of disputes.

4 B. **Administration.** Mediation shall be administered by a court. Mediators shall be
5 volunteers who have been ~~[(1)]~~ certified by the Administrative Office of the Courts as qualified to
6 conduct mediations in the magistrate courts ~~[and (2) approved by the local presiding judge]~~.

7 C. **Order required.** All referrals to mediation require a written court order. When the
8 court orders mediation, notice shall be provided and the parties shall appear and mediate in good
9 faith. Nothing in the rules governing the mediation programs shall be construed to require
10 settlement. Nothing in the rules governing the mediation programs shall be construed to discourage
11 or prohibit parties from stipulating to private alternative dispute resolution.

12 D. **Immunity.** Persons certified by the Administrative Office of the Courts to serve as
13 mediators under these rules are appointed to serve as arms of the court and as such are immune
14 from liability for conduct within the scope of their appointment.

15 E. **Confidentiality.** Mediation proceedings shall be held in private and shall be
16 confidential as provided by law.

17 F. **Report to the court.** No report of the content of mediation shall be made to the
18 court. The mediator shall inform the court by written report of the result of the mediation session.
19 If the mediation process is successful, the mediator shall reduce the agreement to writing on a form
20 to be signed by the parties.

21 G. **Costs.** If a party fails to appear as ordered by the court for mediation, and the other
22 party or parties appear, the court may, after a hearing, assess costs against a party who fails to

1 appear as ordered for a mediation to reimburse the party or parties who did appear for attorney
2 fees or lost wages.

3 [Approved by Supreme Court Order No. 07-8300-034, effective January 22, 2008; as amended by
4 Supreme Court Order No. S-1-RCR-2024-00101, effective for all cases pending or filed on or after
5 December 31, 2024.]

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7 **Committee commentary.** — The committee feels that mandatory attendance at mediation
8 serves the same purpose as mandatory attendance at a pretrial conference and will serve to
9 encourage voluntary settlement.