

STANDING ORDER REGARDING MEDIATION
IN THE 410TH DISTRICT COURT (eff. 1/1/23)

PRIOR TO AN EVIDENTIARY ORAL HEARING (EXCEPT AS SPECIFIED BELOW), THE COURT ORDERS ALL PARTIES TO ATTEND MEDIATION. THE PARTIES ARE ORDERED TO PARTICIPATE IN A SEPARATE MEDIATION FOR FINAL TRIAL, NO MORE THAN 90 DAYS PRIOR TO FINAL TRIAL. **ANY MEDIATION FOR FINAL TRIAL THAT IS CONDUCTED MORE THAN NINETY (90) DAYS PRIOR TO THE TRIAL DATE WILL BE CONSIDERED TOO REMOTE IN TIME TO COMPLY WITH THIS ORDER.**

Each party has the duty, and is **THEREFORE ORDERED**, to call or email the opposing counsel/party to set up a date for mediation prior to your hearing/trial, and to complete your mediation before your court date. If a party is unable to get cooperation from the opposing side to schedule mediation prior to final trial after reasonable effort to obtain same, the complying party **IS ORDERED** to file a motion to compel mediation at least 45 days prior to trial, and set same on a submission docket prior to trial.

Mediation **is not** required prior to a hearing on the following matters: motions to compel discovery, summary judgment motions, default judgments, motions for voluntary dismissal or nonsuit, motions involving service of citation, motions for new trial, and TROs. After a TRO is set and the matter is before the Court for injunctive relief, the Court may or may not refer the matter to mediation depending on the nature of the case.

All parties and their attorneys are required to attend all scheduled mediation sessions for the purpose of engaging in constructive settlement negotiations. Mediation is intended to give each party the opportunity to reach an agreement in a cooperative environment. It places each party in the position of determining the outcome of his/her case.

All persons involved with the mediation of this dispute (including the mediator, the parties, and their attorneys) shall be governed by the confidentiality provisions of TEX. R. EVID. 408 and TEX. CIV. PRAC. & REM. CODE §§ 154.054 and 154.073.

IT IS ORDERED THAT EACH ATTORNEY SHALL HAVE THE RIGHT TO PARTICIPATE IN THE MEDIATION AND BE PRESENT WITH HIS/HER CLIENT(S) AT ALL TIMES, IF HE/SHE DESIRES, REGARDLESS OF WHETHER ALL PARTIES ARE REPRESENTED BY AN ATTORNEY.

If the parties are requesting additional time (beyond the Final Trial date) to enter agreed final orders pursuant to a mediated settlement agreement, then the parties may request same when filing their Joint Status Report required for their Pretrial Conference conducted by submission, per the Court's Docket Control Order. Failure to timely appear through a required Joint Status Report at the time set for your Pretrial Conference conducted by submission, even if an MSA exists in the case, could result in a dismissal.

Signed: _____

December 13, 2022

Jennifer Robin

JENNIFER ROBIN, JUDGE PRESIDING
410TH JUDICIAL DISTRICT COURT