

Cause No. _____

—	—	§	IN THE DISTRICT COURT OF
—	—	§	
—	—	§	
—	—	§	— — JUDICIAL DISTRICT
—	—	§	
—	—	§	
—	—	§	DENTON COUNTY, TEXAS

ORDER OF REFERRAL TO MEDIATION

The above referenced case is referred to mediation in accordance with the Texas Civil Practices and Remedies Code and/or the Texas Family Code.

The **Denton County ADR Program (DCAP)** is appointed to mediate in this case, and all counsel are ordered to contact DCAP to arrange the logistics of mediation within ten business days. **DCAP’s** address and telephone number are as follows:

512 W. Hickory, Ste. 202
Denton, Texas, 76201
(metro) 940.320.1500
(metro fax) 940.320.1502
(email) mhouston@dentonbar.com

This mediation is a mandatory settlement conference, conducted with the assistance of the mediator. A mediated settlement agreement can be made binding on the written agreement of the parties. Mediation is private, confidential, and privileged, except as provided by applicable law. After mediation, the Court will be advised by the mediator, the parties, and counsel only that the case did or did not settle. The mediator shall not be a witness, and the mediator’s records may not be subpoenaed or used as evidence. No subpoenas, citations, writs, or other process shall be served at or near the location of any mediation session on any person entering, leaving, or attending any mediation session. Each party and counsel shall be bound by any rules for mediation furnished by the mediator and shall complete and supply all information requested by the mediator.

IT IS ORDERED that all named parties and lead attorneys shall be present during the entire mediation process and that each corporate party must be represented by an executive officer with authority to negotiate a settlement. Counsel and parties are **ORDERED** to proceed in a good-faith effort to try to resolve this case and shall agree on a mediation date within the next 10 days. If no agreed date can be scheduled within the next 10 days, the mediator shall select a date for the mediation and all counsel and parties are **ORDERED** to appear as directed by the mediator. Any date so scheduled by the mediator is incorporated in this Order as the date on which the mediation shall occur. In any event, the mediation shall be conducted no later than 45 days from the date this order is signed. Referral to mediation is not a substitute for trial, and the case will be tried if not settled.

The levels have been approved through the Commissioner's Court, please do not modify.

___ **Level 1.** Indigent

_____, Petitioner, has been judicially determined by this court to be indigent. Mediation will be conducted at no charge to this individual.

_____, Respondent, has been judicially determined by this court to be indigent. Mediation will be conducted at no charge to this individual.

___ **Level 2.** The net value of the estate/resources of the parties is less than \$100,000 or in a non-family law matter the amount in controversy is less than \$100,000.00.

(Check One):

___ The cost of mediation is \$150.00 per (Party / Petitioner / Respondent). **(circle one)**

___ The \$300.00 mediation fee will be charged to _____.

___ **Level 3.** The net value of the estate/resources of the parties is between \$100,000 and \$500,000 or the amount in controversy in a non-family law matter is between \$100,000.00 and \$500,000.

(Check One):

___ The cost of mediation is \$900.00 per (Party / Petitioner / Respondent). **(circle one)**

___ The mediation fee (\$1,800.00) will be charged to _____.

___ **Level 4.** The net value of the estate/resources of the parties is more than \$500,000 or the amount in controversy in a non-family law matter is more than \$500,000.00.

(Check One):

___ The cost of mediation is \$1,500.00 per (Party / Petitioner / Respondent). **(circle one)**

___ The mediation fee (\$3,000.00) will be charged to _____.

The term "Net value of the estate/resources of the parties" in all cases (whether divorce, modification, SAPCR only, etc.) shall be defined for each party by figuring the total value of that party's assets (whether community, separate, or mixed character) minus that party's liabilities (whether community, separate, or mixed character.)

SIGNED on _____.

JUDGE PRESIDING

Certification of Net value of the Estate/Resources or Amount in Controversy of the parties

I hereby certify to the best of my knowledge, that the below level correctly reflects the

net value of the estate/resources or in a non-family law case, the amount in controversy for my client:

- _____ LEVEL 1: My client is indigent
- _____ LEVEL 2: Less than \$100,000.00
- _____ LEVEL 3: \$100,000.00 to \$500,000.00
- _____ LEVEL 4: Greater than \$500,000.00

Signed on the _____ day of _____, 2009.

Attorney for Petitioner/Plaintiff

Certification of Net value of the Estate/Resources or Amount in Controversy of the parties

I hereby certify to the best of my knowledge, that the below level correctly reflects the net value of the estate/resources or in a non-family law case, the amount in controversy for my client:

- _____ LEVEL 1: My client is indigent
- _____ LEVEL 2: Less than \$100,000.00
- _____ LEVEL 3: \$100,000.00 to \$500,000.00
- _____ LEVEL 4: Greater than \$500,000.00

Signed on the _____ day of _____, 2009.

Attorney for Respondent/Defendant

FOR 3RD PARTY, IF APPLICABLE:

Certification of Net value of the Estate/Resources or Amount in Controversy of the parties

I hereby certify to the best of my knowledge, that the below level correctly reflects the net value of the estate/resources or in a non-family law case, the amount in controversy for my client:

- _____ LEVEL 1: My client is indigent
- _____ LEVEL 2: Less than \$100,000.00
- _____ LEVEL 3: \$100,000.00 to \$500,000.00
- _____ LEVEL 4: Greater than \$500,000.00

Signed on the _____ day of _____, 2009.

Attorney for _____