

amount disbursed to the creditors. After the first disbursement, there is a \$3.00 charge for the addition of each new creditor into the trusteeship.

- G. Interest: If additional interest accrues on an indebtedness after the trusteeship has been filed, such interest is not includible in the trusteeship, but rather is payable by the debtor outside the trusteeship.

## 2.10 MEDIATION (revised 4/4/2012)

- A. Introduction: This rule incorporates by reference the R.C. 2710 “Uniform Mediation Act” (UMA) and Rule 16 of the Supreme Court of Ohio Rules of Superintendence. The purpose of mediation is to promote greater efficiency and public satisfaction through the facilitation of the earliest possible resolution for the court cases through the use of mediation.
- B. Case Selection: Mediation is an option for the parties. Mediation is always voluntary and, while no one will be compelled to participate, it is strongly encouraged. Mediation can be an option for small claims cases. The fee for mediation is \$10.00 (ten) which is to be paid at the time of filing by the initiating party.

In addition, the court, on its own motion, or the motion of any of the parties may refer disputed issues to mediation in whole or in part by “Notice of Scheduled Mediation” which shall, at a minimum indicate the date, time, place and contact information of the mediation. Prior to scheduling a mediation session, all cases will be screened for past/potential (domestic) violence involving all parties and/or possible witnesses, as the Court prohibits the mediation of domestic violence disputes, and it shall not be used as an alternative to prosecution or adjudication of domestic violence. If the subject of (domestic) violence arises during the course of the mediation, the mediator is not permitted to address the issue, and the mediation shall not continue. Additionally, the Court will not allow mediation:

- (a) In determining whether to grant, modify or terminate a protection order;
- (b) In determining the terms and conditions of a protection order; or
- (c) In determining the penalty of the protection order.

The Court Mediation Department will determine the eligibility and appropriateness of each referral prior to the commencement of the mediation process and may decline any referral(s) deemed inappropriate.

The court randomly assigns a mediator to the case from the court’s roster of approved mediators.

- C. Procedure: Upon mediation being selected, a deputy clerk will schedule the mediation and have notices issued to each of the parties. Mediations will be scheduled on Wednesdays and Thursdays during court hours. The Court will maintain and assign a list of qualified volunteer mediators to participate in the dispute resolution program. The mediator will oversee the discussion to allow each party a full opportunity to be heard in an atmosphere of cooperation and respect. The parties will be encouraged to generate a solution to the dispute and arrive at a settlement. A settlement will not be imposed on either party contrary to his or her will. When an agreement is reached, it should be reduced to writing and signed by all of the parties. A copy of the agreement will be given to the parties. If mediation in a civil/small claims issue is unsuccessful, the \$10.00 (ten dollar) mediation fee will be applied to the cost of filing a civil/small claims action upon request of the claimant to file a civil/small claims action.
- D. Participation: In any pending case, the parties, their attorneys, and any individuals designated by the parties shall take part in the mediation session. Any participant who fails to attend without being excused by the Judge or who fails to take part in a session, as determined by the mediator, may be subject to appropriate sanctions, including but not limited to, contempt of Court, attorney fees, costs or dismissal of the case.
- E. Confidentiality: All mediation sessions shall be confidential. No communication made during a session, including settlement terms, may be disclosed to third persons or used for any purpose (including impeachment) in any pending or future proceeding. All mediation communications related to or made during the mediation process are subject to and governed by the "Uniform Mediation Act" (UMA) R.C. 2710.01 to 2710.10, the Rules of Evidence and any other pertinent judicial rule(s).
- F. Termination: If the assigned mediator determines that further mediation efforts would be of no benefit to the parties, he or she shall inform all interested parties and the court that the mediation is terminated.
- G. Continuances: It is the policy of this court to determine matters in a timely way. Continuances of scheduled mediations shall be granted only for good cause shown and after a future date has been determined.
- H. Mediator Communications: At the conclusion of the mediation and in compliance with R.C. 2710.06 the court shall be informed of the status of the mediation including all of the following: (1) whether the mediation occurred or was terminated; (2) whether a settlement was reached on some, all or none of the issues; and (3) attendance of the parties.

Parties may not subpoena any court staff or mediators to testify as to any mediation communications unless the request falls under the UMA. Any party in violation may be subject to appropriate sanctions.

- I. Administrative Dismissal: If the parties fail to dismiss a settled case within the later of sixty (60) days or the time noted in the entry that gave the court notice of the settlement, then the court may dismiss the case administratively.