

GALVESTON COUNTY MEDIATION SYSTEM

Presented by Jeff Kilgore - 2/25/99 revised June 6, 2003 and 7 9 2009

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1. The ADR Act effective September 19, 1987, locally in title 7 of the Civil Practice and Remedies Code.
2. A mediation is a form of alternative dispute resolution that is widely accepted by the judges in our County.
3. Pursuant to Section 152.004, the County Commissioner's Court authorized the collection of the \$10.00 in every civil case filed and the mediation services of Galveston County was established January 27, 1992. The current amount is \$15.00 per case in the civil, probate and Family cases and \$5.00 in JP cases.
4. The County Commissioner's extended mediation service board for a indefinite period 10/25/93.
5. Mediation is a useful and successful tool and is employed by many attorneys, parties and/or judges here in Galveston County.
6. The topic today is the Subsidized Mediations Program.
7. Financially aided mediations are now being used for family mediations, in the past in juvenile case mediations, in CPS mediations and in civil mediations. The Mediation Service Plan provides that a mediator can receive up \$100.00 per hour per mediation based upon the party's ability to pay, the annual salaries, the number of children within a family unit. The formula used is not only for family mediations but also for civil mediations. Any one making less than \$18,250.00

pays a flat \$50.00, and the Depending on income and number of family members a party could qualify for some subsidy while earning up to \$39,000.00.

8. A non qualifying party pays the regular per party fee of the mediator serving as mediator.
9. A mediation fees and subsidy schedule and worksheet with examples to use with family and civil financially aided mediations explaining the sliding scale to be used is available in the law library and on disc.
10. The Galveston County Mediation Services Board encourages the use of financially aided mediations when it is appropriate. The only time it is not encouraged is when both the parties are a corporate entity or a corporate entity and an insurance company. If one party qualifies and the other party is a corporate entity or insurance company, the corporate entity/insurance company would pay the mediator's usual per party fee
11. There is an affidavit that the party requesting financially aided mediation must fill out. The first step is to fill out a Motion for Subsidized ADR Procedures and submit it along with the Affidavit.
12. The judge then signs the agreed order, appoints the mediator and the parties work with the mediator to establish dates for the mediation to progress. The mediator then submits a claim to the presiding judge of the court where the case is pending and then it is submitted to the County Auditor's Office The forms that I have shown you, as well as Agreed Order on Motion for Subsidized Mediation both in family law CPS cases and civil cases are now available on a disk that is being provided as a service of the Mediation Association of Galveston County. These

disks are in a Word Perfect or Word format and may be picked up at the Galveston County Law Library,

13. The Mediation Association is providing these forms on disks in order that they may be in your computer so you can expedite the filling out of the forms and filling them so that the system can be utilized by more people. It is to the advantage of your clients to use the system and we hope that the forms provided on the disk are of benefit to you. I also have some disks here today.
With the small amount of time it takes to fill out and submit the paperwork, you can provide a service to your clients.
14. I will mention that the only mediators that are eligible to receive referrals under the financially aided mediation system are mediators that belong to the Galveston Mediation Association. The mediator also has to have taken the Basic 40 hour Mediation Course and if a Family Law Mediator, also will have taken the 24 hour Family Mediation Course.
15. **CPS mediations are covered by the fund . Appeals from attorney general Title IV cases are covered however there is a \$50.00 fee for each parent going to mediation after an appeal from a Title IV ruling.**
16. Justice of the peace cases are covered by the fund ,if a party qualifies for a subsidized amount..