

No. \_\_\_\_\_

ESTATE OF	§	IN THE COUNTY COURT
	§	AT LAW #3
DECEASED	§	SMITH COUNTY, TEXAS

**ORDER OF REFERRAL FOR MEDIATION**

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**BE IT REMEMBERED**, that on this day the Court found that this case is appropriate for mediation pursuant to Tex. Civ. Prac. & Rem. Code Sec. 154.021 and on the Court's own motion the Court enters the following Orders:

**IT IS ORDERED** that the above entitled and numbered cause, pursuant to the provisions of Texas. Civ. Prac. & Rem. Code Ann. Sec. 154.021 be, and hereby is, referred to Mediation. Pursuant to Texas Civil Practice & Remedies Code Annotated Section 154.052 and that \_\_\_\_\_ is found by the Court to an impartial person, not a party to the pending dispute, and qualified for appointment under the provisions of said statute.

**IT IS ORDERED** that \_\_\_\_\_ is appointed as the Mediator in this cause.

**IT IS FURTHER ORDERED** that such mediation will be held **on or before the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ , at \_\_\_\_\_ o'clock \_\_\_\_ .m.**, at a location designated by the mediator, and shall proceed until complete.

**IT IS ORDERED** that all counsel shall contact the Mediator within 5 days of the date of this order to arrange the logistics of mediation.

**IT IS ORDERED** that all named parties to this cause and their lead counsel of record shall be present and attend the entire mediation hearing and each corporate party must be represented by an executive officer with full authority to negotiate a settlement.

**IT IS FURTHER ORDERED** that counsel of record shall submit to the Mediator a brief statement of the principal issues involved in the case a least 15 days prior to the mediation.

**IT IS FURTHER ORDERED** that this referral will not delay or modify any time period relating to the disposition of the above-captioned case, unless expressly ordered by subsequent action of this Court.

**IT IS FURTHER ORDERED** that any and all costs of such mediation shall be divided and shared equally among all parties and shall be paid to the Mediator at the time of the Mediation hearing and shall be taxed as costs in this case.

Mediation is a mandatory but non-binding settlement conference, conducted with the assistance of the Mediator. Mediation is private, confidential and privileged from process and discovery. After mediation, the Court will be advised by the Mediator, parties and counsel, only that the case did or did not settle, unless by written agreement signed by all counsel and pro se parties the Court is allowed to receive information limited to what pre-trial matters should be addressed by the Court at a pre-trial hearing. The Mediator shall not be a witness nor may the Mediator's record 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, upon any person entering, leaving or attending any mediation session.

Each party and their counsel will be bound by the Rules for Mediation which are attached hereto, and shall complete the information forms as are furnished by the Mediator.

Referral to mediation is not a substitute for trial and the case will be tried if not settled.

SIGNED this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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JUDGE PRESIDING