

In the Court of Common Pleas of Butler County
Commonwealth of Pennsylvania

_____	}	_____ Civil Division
_____		_____
_____		No _____
<u>Versus</u>		_____
_____		_____
_____		_____

Agreement To Submit Case To Mediation Of Butler

We agree to submit the above case to mediation under the Mediation of Butler County regulations and herewith tender the Mediation Fee of \$150.00 per party.

Plaintiff

Defendant

_____	Signature	_____
_____	Printed Name	_____
_____	Attorney For	_____

Additional Parties

_____	Signature	_____
_____	Printed Name	_____
_____	Attorney For	_____

Appointment of Mediators

The following members of the Butler County Bar are offered for selection as mediator to hear testimony, make a report, and render an award. The Court Administrator shall schedule a mediation conference within 60 days of the assignment of the case to the mediator. The conference may not be continued unless by order of the Court. The mediator shall file his/her report within twenty (20) days from the date of the mediation conference in accord with the Mediation of Butler County regulations.

_____	_____
_____	_____
_____	_____

Prothonotary

Mediation Of Butler

Regulations

The Mediation of Butler shall be conducted pursuant to these Administrative Regulations of the court and will operate as follows:

- (1) The mediators shall be practicing attorneys from the Butler County Bar Association admitted at least ten (10) years with an emphasis in their practice on civil litigation. A Judge from the list that is maintained by the Prothonotary will select the mediators.
- (2) The parties to any case on the civil trial list may at any time be agreement voluntarily submit a case to mediation by the filing of the Mediation of Butler Program Agreement and payment of the Mediation Fees. These forms are available through the Prothonotary.
- (3) Each party to a case selected for mediation will pay the mediation fee of \$150.00 per one-half day. The mediation fee will be utilized to compensate the mediator.
- (4) A list of three (3) mediators shall be given to the plaintiff and defendant who shall each cross off one of the mediator's names. The remaining attorney shall server as the mediator. In the case of additional parties, one additional mediator shall be added to the list for each additional party, who shall likewise cross off one mediator's name.
- (5) The inclusion of cases in the Mediation of Butler Program will be voluntary. Asbestos cases will not be included in the Mediation Program. The attendance of trial counsel and parties at the mediation conference shall be mandatory. A representative of any party's insurance company, which is involved in the case, shall be available by telephone during the course of the mediation. If any party fails to appear, the mediation conference will not be held and the non-appearing party shall, within thirty (30) days, pay the other party's attorney fees and expenses in preparing for and attending the mediation conference, as assessed and ordered by the mediator.
- (6) The Court Administrator shall schedule the mediation conference to be held within sixty (60) days of the assignment of the case to the mediator. The conference may not be continued unless by order of the court.
- (7) The cases which proceed to mediation and are not settled, referred to arbitration, scheduled for a non-jury trial, shall be given preference on the trial list pursuant to Pa. R.C.P. 214(g). The trial of those cases given preference will be held as soon as it is practicable after the date of the mediation conference.
- (8) At least ten (10) days prior to the mediation conference, each party shall file a mediation statement which must include the following:
 - (a) Party's succinct statement of position regarding liability and damages
 - (b) Significant legal issues involved, with citation of legal authority
 - (c) Medical reports
 - (d) Expert reports
 - (e) Itemized list of damages
 - (f) Last settlement posture and rationale

This requirement will be deemed to be satisfied if a party has previously filed a pre-trial statement pursuant to Butler County Local Court Rule in which case that party will be required to file only a mediation statement providing updated information not set forth in the pre-trial statement, but required by the settlement conciliation conference statement.

If a party fails to file the mediation conference statement in the allotted time, the mediation conference will not be held and the party who fails to file the required statement in the allotted time will pay the attorney's fees and expenses of those parties who have filed their statements.

(9) Within twenty (20) days from the date of the mediation conference, the mediator shall file with the Prothonotary a mediation conference report which shall set for the following:

- (a) Plaintiff's final settlement demand
- (b) Defendant's final settlement offer
- (c) Mediator's assessment of liability
- (d) Mediator's assessment of damages
- (e) Mediator's opinion regarding potential range of verdict and settlement value

All parties and the Court Administrator will be provided with a copy of the mediator's conference report.