

RULE 31. Mediation

(A) Cases for Mediation

- (1) Any civil case filed in the Court of Common Pleas General Division may be referred to mediation by order of the Court.
- (2) Exceptions: Mediation is prohibited in the following:
 - a. Petitions to perpetuate testimony (Civ.R. 27);
 - b. As an alternative to the prosecution or adjudication of domestic violence;
 - c. In determining whether to grant, modify or terminate a protection order;
 - d. In determining the terms and conditions of a protection order;
 - e. In determining the penalty for violation of a protection order.
- (3) All mediations shall be conducted in accordance with the “Ohio Uniform Mediation Act,” R.C. Chapter 2710, which is herein incorporated by reference.

(B) Referral to Mediation

- (1) The judge may, by appropriate entry, refer a case to mediation and state a date by which mediation must be concluded. If required by the referring judge, prior to such referral counsel for the parties must complete the “Mediation Referral Readiness Questionnaire” which will be attached to the entry of referral.
- (2) Any party may request, in writing to the judge, that the case be considered for referral to mediation.
- (3) A status report conference shall be scheduled approximately 45–60 days after referral of a case to mediation at which time the Court may inquire about the status of mediation efforts.
- (4) Upon referral of a case to mediation, the Court may elect to stay all filing deadlines for up to 60 days. The Clerk of Courts shall not accept for filing any documents while a case is in mediation, unless expressly permitted by these rules or by court

order. Only the following documents may be filed while a mediation stay is in effect:

- a. Motion to lift the mediation stay;
 - b. Response to a motion to lift mediation stay;
 - c. Motion or stipulation to dismiss the case; and
 - d. Notice related to counsel.
- (5) Written objection to mediation or assigned mediator shall be filed within 5 business days of referral entry and must explain reasons for opposition.

(C) Mediation Conferences

- (1) The mediator may direct the parties and their attorneys to attend a mediation conference in person or remotely. Such a conference shall be conducted by the mediator to consider the possibility of settlement, the simplification of the issues and any other matters which the mediator and the parties determine may aid in the handling or the disposition of the proceedings. A standard mediation conference shall be for not more than 4 hours. At the Court's discretion, for complex cases involving 3 or more distinct parties, an additional 1–4 hours may be authorized.
- (2) Mediation shall continue, for up to 4 hours (or up to 8 hours for authorized complex cases), until the parties have reached a settlement, until they are unwilling to proceed further, or until the mediator determined that further mediation efforts shall cease. An appointed mediator may schedule such additional conference(s) as may be necessary only by leave of Court. Alternatively, the parties may choose to continue a mediation session(s) with the appointed mediator privately at parties' own expense and according to such terms as they agree.
- (3) The mediator may request that the parties make available at mediation documents and witnesses, including expert witnesses, but has no authority to order such production.
- (4) The mediator shall ensure the parties memorialize any agreements in principle.

(D) Reporting to Court

- (1) An assigned mediator shall notify the Court promptly when a case is not accepted for mediation, whether due to a party or scheduling conflict or any other reason.
- (2) Immediately at the conclusion of the mediation, no matter the outcome, the mediator shall report in writing to the Court the fact that the mediation process has ended.
- (3) Immediately after a case or issues are settled (through court mediation, private mediation, or otherwise), the parties shall prepare and submit to the Court an entry of dismissal reflecting the case has settled, and, once filed, the case will be moved to inactive status.
- (4) If some but not all of the issues in the case are settled during court or private mediation, or otherwise, or if agreements are reached to limit discovery or on any other matter, the parties shall submit a joint written statement to the Court enumerating the issues that have been resolved and the issues that remain pending. The statement shall be submitted immediately after the termination of mediation.
- (5) If a case is settled after it has been set for mediation, but prior to the date of the mediation, the parties must promptly notify the Court of settlement. Failure to comply with this notice requirement may result in the cost of mediation being assessed as a cost of the action.

(E) Mediation Fees

- (1) No fees shall be charged for civil cases referred to the Hamilton County Court of Common Pleas Mediation Service when the case is successfully mediated and all claims are settled.
- (2) If a case is referred to mediation and the parties fail to schedule such a mediation within the time allotted by the Court, a \$300.00 fee may be assessed and taxed as costs to the parties.
- (3) If a mediation is scheduled but then cancelled, for whatever reason, within 2 business days of the scheduled mediation date, a \$300.00 fee may be assessed and taxed as costs to the parties.
- (4) If the parties are unable to resolve the case through mediation and any part of the case proceeds to(wards) the trial, the Court may assess a mediation fee of up to

\$1,200.00 for a standard mediation conference (or up to \$2,400.00 for complex cases), which shall be taxed as costs.

- (5) If the parties agree to use a private mediator and not a mediator assigned by the Court, the parties shall share the cost of the mediation in such proportions as they may agree. The Court shall not be responsible for the quality of a mediator selected by the parties without guidance from the Court and who does not meet the qualifications, education, and training requirements of Sup.R. 6.04.
- (6) The Court may waive fees and costs at its discretion.

(F) Duty of Parties and Counsel

- (1) To Report Domestic Abuse: Mediation is prohibited when domestic abuse or domestic violence is alleged, suspected, or present, unless the conditions of Sup.R. 6.05 are met.
- (2) Attendance: All counsel shall have their clients present for mediation. Insurance company representatives, who have decision-making authority, must also be present. In such case, the insured's presence is not required unless their consent is necessary for settlement. The failure to have all necessary parties present for mediation, without good cause, may result in the cost of the mediation being assessed against the appropriate party or any other appropriate sanction as determined by the Court. In the event mediation must be cancelled due to the absence of necessary parties, a \$300.00 fee may be assessed by the Court.
- (3) Any statutory filing required by the Ohio Revised Code according to case type must be in the record prior to settlement or resolution.

(G) Responsibilities of Mediators

- (1) All mediators shall comply with the duties and responsibilities listed in Sup.R. 6.03, which is herein incorporated by reference.
- (2) Contracted and volunteer mediators shall comply with any additional provisions that may be included in any contract or memorandum of understanding entered into with the Court for their services.

(H) The Court shall utilize procedures for all cases that will:

- (1) Ensure that the parties are allowed to participate in mediation, and if the parties wish, that their attorneys and other individuals they designate are allowed to accompany them and participate in mediation.
- (2) Screen for domestic violence both before and during mediation.
- (3) Maintain resources for mediation parties, including victims and suspected victims of domestic violence, and encourage appropriate referrals to legal counsel and other support services, such as children's services, domestic violence prevention, counseling, substance abuse, and mental health services.
- (4) Ensure that any mediation participant may submit written comments, complaints, or feedback regarding the performance of mediators receiving referrals from the Court.

(I) Privilege & Confidentiality

- (1) Mediation communications are privileged and confidential as described in R.C. Chapter 2710. Additionally, any files maintained by a mediator but not filed with a clerk or submitted to the Court shall not be available for public access. This Court may impose penalties for any improper disclosures. Disputes regarding confidentiality should first be addressed with the mediator or Court Mediation Office where possible.
- (2) The parties and participants shall sign a written agreement prior to mediation, which shall address confidentiality. By participating in mediation, a nonparty participant submits to the Court's jurisdiction to the extent necessary for enforcement of this rule and the mediation agreement. Any nonparty participant shall have the rights and duties under this rule as are attributed to parties, except that no evidence privilege will be expanded.
- (3) The mediator shall not disclose to the Court or to any judge of the Court the contents of mediation discussions unless agreed to by all parties in writing.
- (4) No party to mediation shall call the mediator as a witness for any purpose.
- (5) Exceptions:
 - a. Parties may share privileged communications with their attorneys;
 - b. Certain threats of abuse or neglect of a child or an adult;

- c. Statements made during the mediation process to plan or hide an ongoing crime;
- d. Statements made during the mediation process that reveal a felony.

(J) Selection of Mediators

- (1) In all cases ordered to mediation, the mediator shall be a full- or part-time employee of the Court, a volunteer mediator, or a contract mediator appointed from a rotating list of approved mediators.
- (2) The assignment of mediators shall be in a standardized order from the rotating list of approved mediators, except mediators may recuse themselves from a case in the interests of justice. A specific appointment may be made by the Court taking into consideration the qualifications, skills, expertise, and caseload of the mediator in addition to the type, complexity, and requirements of the case.
- (3) An attorney who wishes to be added to the list of approved contract mediators must have the following qualifications:
 - a. At least 5 years of experience in the practice of law with some trial or judicial experience and be a current member of the Ohio Bar in good standing with the Supreme Court of Ohio;
 - b. Specialized training in mediation including courses that are approved for at least three hours of Continuing Legal Education credit by the Supreme Court of Ohio in each biennial reporting period;
 - c. Participation in at least three separate mediations as a mediator or counsel for a party in any jurisdiction, or observation of at least two mediations conducted by a qualified Hamilton County court mediator;
 - d. Significant, demonstrated experience in preparation, presentation, and resolution of disputes on behalf of others either through litigation, negotiation, or mediation;
 - e. Must maintain malpractice insurance covering services as a mediator and submit proof of coverage to the Court Mediation Office and Court Administration;
 - f. Must submit completed mediator application materials to the Court Mediation Office, and are subject to approval by the Administrative Judge.

g. Demonstrated compliance with either subpart of Sup.R. 6.04(A).

(K) Compensation of Mediators

- (1) Full- or part-time employees of the Court are not eligible for any supplemental compensation derived from mediation services rendered in the Court of Common Pleas.
- (2) Each appointed contract mediator shall receive compensation at a rate of \$300.00 per hour for up to four hours for a standard mediation session (or for up to eight hours for authorized complex cases). Contract mediators shall not receive additional compensation for subsequent sessions involving the same case number, unless approved by the Court.
- (3) If the case is settled or dismissed, or a mediation is otherwise cancelled, more than two business days prior to the date scheduled for the mediation, the mediator shall not be entitled to any fees. If a case is settled or dismissed, or a mediation is otherwise cancelled, within the two-business-day period, the contract mediator shall be entitled to receive a fee of \$300.00.
- (4) Any approved contract mediators shall complete an order to pay mediator fees upon completion of mediation and not later than 21 business days following the mediation session. Such invoice shall be submitted to the Court Mediation Office.

Effective: (July 24, 2026)