
**HAMILTON COUNTY MUNICIPAL COURT
LOCAL RULE 15
COURT-CONNECTED MEDIATION PROGRAM**

(A) Purpose. The Hamilton County Courts recognize that timely, fair, and efficient resolution of disputes is essential to maintaining public confidence in the judicial system. Mediation promotes the orderly administration of justice by encouraging early, voluntary resolution of disputes, reducing unnecessary delay, conserving judicial resources, and empowering parties to participate meaningfully in the resolution of their cases.

These mediation guidelines are intended to facilitate settlement where appropriate while safeguarding the rights of litigants, ensuring access to justice, and maintaining compliance with the Ohio Revised Code, the Ohio Uniform Mediation Act, and Rule 6 of the Rules of Superintendence for the courts of Ohio. Mediation under this rule is designed to supplement, not replace, adjudication, and shall be conducted in a manner that is lawful, fair, and respectful of all parties.

(B) Incorporation of Ohio Uniform Mediation Act. This rule incorporates the provisions of the Ohio Uniform Mediation Act, R.C. Chapter 2710, as if fully rewritten herein. All mediation conducted under this rule shall be governed by R.C. Chapter 2710 and the Ohio Rules of Superintendence, Rule 6.

(C) Cases Eligible for Mediation. Any civil case or claim pending before the court is eligible for mediation, including but not limited to civil, small claims, eviction, and post-judgment matters, unless otherwise prohibited by law or rule.

(D) Referral to Mediation. Cases may be referred to mediation by any of the following mechanisms:

1. Voluntary. At any time after a case is filed, any party may file a written request for referral to the Mediation Program. The request shall identify the case number, the parties, and the nature of the dispute. The Court shall promptly notify all other parties of the request and, if no party objects within ten (10) days, shall issue a mediation referral order.
2. Discretionary Referral — Judge or Magistrate. Any judge or magistrate assigned to a case may, upon their own motion, refer the case or any issue in the case to the Mediation Program at any stage of the proceedings. In the referral, the parties must be identified by name, direct telephone number, mailing address and electronic mail address.
3. On all referrals, the parties must be identified by name, direct phone number, mailing address and electronic mail address.

(E) Confidentiality and Privilege.

1. Mediation communications are privileged as set forth in R.C. §§ 2710.03–2710.05. Mediation communications shall not be subject to discovery and shall not be admissible as evidence in any subsequent proceeding, except as provided by R.C. § 2710.05.

2. Evidence otherwise admissible or subject to discovery does not become inadmissible or protected from discovery solely by reason of its disclosure or use in a mediation. (R.C. § 2710.03(C).)
3. The mediator shall not retain any records of the mediation outside of what is filed with the Court. The only records that may be filed with the court are a notice stating simply that a settlement agreement has been reached or a final consent judgment entry. The parties must retain any documents they may wish to use in any enforcement action.

(F) Mediator Qualifications.

1. In order to serve as a mediator for this Court, a person shall satisfy all of the following requirements: (a) complete the Supreme Court Dispute Resolution Section-approved "Fundamentals of Mediation Training" (or meet the equivalent experience grandfathering conditions of Sup.R. 6.04(A)(2)); (b) comply with all other requirements of Sup.R. 6.04 applicable to the case type being mediated; (c) comply with the Model Standards of Conduct for Mediators adopted by the American Bar Association, American Arbitration Association, and the Association for Conflict Resolution; (d) demonstrate competency and capacity to mediate to the Mediation Program Coordinator; (e) comply with this rule and any applicable Ohio Supreme Court rule governing court-connected mediators; and (f) comply with all Mediation Program policies and procedures published by the Court.
2. The mediator shall act as a neutral facilitator. A mediator shall disclose to the parties, before accepting an assignment, all known facts that a reasonable person would consider likely to affect the mediator's impartiality, including any financial or personal interest in the outcome and any existing or past relationship with a party. (R.C. § 2710.08.)
3. A mediator shall not offer legal advice to any party.
4. A mediator shall not serve as a judge, magistrate, attorney, or witness in any case the mediator has mediated.

(G) Responsibilities of the Mediator.

1. The mediator shall inform the court who attended the mediation, whether the case settled, and whether efforts to settle the case through mediation are being continued or if the case is being returned to the court for further proceedings.
2. Outside of any formalized settlement agreement filed with the Court, No other information shall be directly or indirectly communicated by the mediator to the court, unless all who hold a mediation privilege, including the mediator, have consented to such disclosure.

(H) Responsibilities of the Court.

1. Maintain procedures for the selection, monitoring, and evaluation of mediators through a voluntary evaluation form providing at the conclusion of mediation and returned to the presiding judge of the Municipal Court;
2. Appoint a Mediation Program Coordinator employee of the Court as the main point of contact for the mediators, the Court, the Clerk of Courts and the parties;

(I) Scheduling and Timelines.

1. Upon issuance of a mediation referral order, the Court's Mediation Program Coordinator shall contact the parties within 5 business days to schedule the initial mediation session.
2. Mediation in a pending civil or landlord-tenant case shall ordinarily be completed within 60 days of the referral order, unless the parties and the Mediation Program Coordinator

agree to a longer period and the Court approves. For small claims cases, mediation shall ordinarily be completed within 45 days.

3. For cases ordered to mediation prior to trial in an eviction (forcible entry and detainer) case, where statutory timelines under R.C. § 1923.08 are implicated, mediation scheduling shall be prioritized and shall not delay any hearing beyond the limits permitted by Ohio law.
4. The parties may agree to multiple mediation sessions. Any additional session shall be scheduled with the concurrence of the mediator and the Mediation Program Coordinator.
5. All existing court orders remain in effect during mediation. No order is stayed or suspended because a case is in mediation. Mediation shall not stay discovery unless the parties agree and the Court approves.
6. The mediator shall promptly report to the Mediation Program Coordinator: (a) the date(s) mediation occurred; (b) who attended; and (c) whether mediation resulted in settlement, partial settlement, or impasse, or whether additional sessions are planned.

(J) Fees and Indigency Waivers.

1. Mediation provided by the Court's Mediation Program through court staff or trained volunteers shall be available at no cost to the parties.

(K) Attendance, Good Faith, and Sanctions.

1. All parties and any required representatives shall attend mediation as scheduled unless excused in advance by the mediator or the Court. *Parties shall take all reasonable effort to attend and requests to continue scheduled mediation dates should be kept to a minimum. In determining whether to allow the continuance of a scheduled mediation date, the Mediator will consider amount of notice provided to the non-requesting party, proof of notification to the non-requesting party, and extenuating circumstances that necessitate the request to continue*
2. Organizational parties (corporations, LLCs, property management companies, etc.) shall send a representative with full authority to settle the case. Attendance by a representative without settlement authority shall not constitute compliance with a mediation order.
3. Parties may be accompanied by counsel and one additional support person, who may participate in the mediation. The mediator may conduct individual sessions (caucuses) with each party.
4. The parties and their counsel shall participate in mediation in good faith. Good faith participation requires, at minimum: attendance at the scheduled session, disclosure of information reasonably necessary to evaluate settlement options, and a genuine willingness to consider resolution.
5. Sanctions for Non-Compliance. If a party fails to attend, fails to participate in good faith, or fails to send a representative with authority to settle, the Court may, after notice and hearing: (a) impose monetary sanctions; (b) enter a default judgment or dismissal; (c) strike pleadings; (d) hold the non-complying party in contempt; or (e) impose such other sanctions as are just under the circumstances.

(L) Mediated Settlement Agreements.

1. If the parties reach a settlement through mediation, the mediator shall assist the parties in reducing the agreement to writing before the mediation session concludes. The settlement agreement shall be filed with the Court.

2. A mediated settlement agreement signed by the parties is a binding contract enforceable under Ohio law. Upon application of any party, the Court may incorporate a mediated settlement agreement into a court order or consent judgment entry, which shall be enforceable by the Court through its contempt and enforcement powers.
3. In landlord-tenant cases, a mediated settlement agreement incorporated into a court order shall specify: (a) any payment schedule for past-due rent; (b) any repairs or habitability remediation obligations; (c) any agreed upon date and conditions for vacation of the premises, if applicable; and (d) any other material terms specific to the tenancy.
4. In small claims cases, a mediated settlement agreement incorporated as a consent judgment entry shall be treated as a final judgment of the Court and may be enforced through all available post-judgment collection mechanisms, including garnishment and execution.
5. If mediation results in partial settlement, the mediator shall report the settled and unsettled issues to the Mediation Program Coordinator, and the case shall return to the active docket for resolution of remaining issues.

(M) Effect on Proceedings. Referral of a case to mediation does not divest the Court of jurisdiction over the case, stay any pending deadline, or otherwise affect the Court's authority to conduct hearings, enter default judgments for non-appearance, or take any other action in the case. The assigned judge or magistrate retains full authority over the case at all times.

(N) Language Access. Language assistance shall be made available to mediation participants who have limited English proficiency or who require an interpreter or other accommodation to meaningfully participate in mediation. Parties who require an interpreter or other language assistance shall notify the Mediation Program Coordinator at the earliest opportunity. The Court shall make reasonable efforts to secure interpreter services at no cost to the parties.

(O) Referrals to Legal and Support Services. The efforts of the mediator shall not be construed as giving legal advice. Mediators and Mediation Program staff may refer individuals to legal services, community resources, social services, and other support services, including domestic violence services, at a party's request or as the mediator or staff member deems necessary. The mediator is authorized to provide such resource information; however, such distribution shall not be construed as a recommendation of or referral to such resource by the Mediator or the Court. The recipient of that information is charged with the duty to evaluate those resources independently.

(P) Supersession of Prior Rules. This rule supersedes and replaces Local Rule XXVII (Rent Escrow and Small Claims Mediation) and all mediation provisions of Local Rule XV (Small Claims Division) and Local Rule [15/16] (Civil Mediation) to the extent of any conflict. All other provisions of those rules unrelated to mediation remain in full force.