

GALVESTON COUNTY MEDIATION PLAN: 7 12 2012
PROCEDURES FOR OBTAINING SUBSIDIZED MEDIATION ORDER
CLIENT INCOME AND SUBSIDIZED FEE SCHEDULE see page 3 & 4

A. Assist your client(s) in completing the Affidavit of Income, Inventory and Appraisal or Financial Information Affidavit, as appropriate. Attach the required documentation which verifies your client's income (if available), i.e., W-2 forms and/or tax return for previous year and current pay check stubs.

If filing a Joint Agreed motion & proposed order, have opposing counsel do the same with his/her client. **The affidavit and inventory (if the case is a divorce) should be attached to the Motion along with a proposed Mediation Order.** (NOTE: The affidavit does **not** have to be notarized, however, the client should be advised it is being signed under the penalty of perjury-- and possible consequences explained to the client. The Inventory and appraisal ***should*** be signed in the presence of a notary.)

B. Using the completed affidavits determine the amount each party should pay by using the Mediation Fee and ***most recent*** Subsidy Schedule. You should be aware that the Court or the Court Coordinators frequently verify the calculations and will change amounts that have not been properly calculated.

C. Submit the Order to the Court for the Judge's signature. The Order **must** state:

- / the gross annual income of each party;
- / the amount of the fee to be paid by each party, as determined using the fee chart on page 3;
- / whether the party is a qualifying or non-qualifying party;

- the party's affidavit of financial status; ***AND***
- the party's **Inventory & Appraisal** must be attached as an exhibit or a statement advising the Court of the date on which it was previously filed, if the case is a divorce;

NOTE: Net assets above \$40,000.00 excluding the party's primary residence, disqualifies the party no matter what the income level for that party, at the time of applying or as the result of the mediated settlement

NOTE: Fill-in-the-blank-forms are available in the Law Library, if you do not have them on your office computer but the client may not be able to complete the Inventory and Appraisal without your assistance. The Law Librarian is NOT an attorney and cannot practice law without a license. She will not be able to assist clients with anything other than providing the forms.

D. Request a **signed** copy of the Order and forward it to the mediator selected by the parties or appointed by the Court. The mediator must have the order, reflecting the fee amount for each client, **before the first mediation session** to allow the mediator to submit a voucher for the subsidy payment to be made by the Mediation Fund.

E. The client(s) will pay the Court Ordered hourly rate directly to the mediator **prior** to each session.

F. If it is a family case, you may have your client call and arrange an appointment with the mediator. If it is a civil case, both attorneys should arrange the mediation with the mediator.

G. Your client should not go to mediation until there is a ***SIGNED ORDER*** for financially-subsidized mediation. In family cases, the Courts require that the parties have attended the Court Ordered FOR KIDS' SAKE program before the first mediation session, unless mediation is for temporary orders.

H. If the financial circumstances have changed or the affidavit is inconsistent with the amount or fees stated in a Subsidized Mediation Order the mediator has the authority to refer the parties back to the court to revisit the fees that the parties will be obligated to pay. The attorney of record for each party has the obligation to make sure the appropriate documentation is submitted to the Court concerning their clients' financial circumstances and that the Order correctly reflects the fees a party is ordered to pay.

I. An "APPROVED AS TO FORM AND CONTENT" Signature Block should be on the Subsidized Mediation Order. If the party is not represented by an Attorney, the Pro Se Party is required to complete the Signature Block in substantially the same form as an Attorney.

J. The signature block on the Order acknowledges that the documentation is complete and correct and that the fee stated in the Order has been correctly computed based upon the current Mediation Board Guidelines.

MEDIATION FEES & SUBSIDY* SCHEDULE * See notes 1-8 below			
Client's Gross Annual Income	Family Size	Hourly Rate	Max for 5 Hour
Less than \$ 23,250.00 See NOTE 1 below	Any Size	\$10.00	Flat Fee - \$50.00
Between \$23,500.01 and \$ 28,179.00	1-2	\$20.00	\$ 100.00
	3	\$12.50	\$62.50
	4	\$10.50	\$52.50
	5 or more	\$10.00	\$50.00
See NOTE 2 below	5 or more	\$10.00	\$50.00
Between \$ \$28,179.01 and \$32,877.50	1-2	\$25.00	\$125.00
	3	\$20.50	\$102.50
	4	\$15.75	\$78.75
	5	\$10.50	\$52.50
See Note 3 below	6 or more	\$10.00	\$50.00
Between \$32,877.51 and \$37,575..50	1-2	\$31.00	\$155.00
	3	\$25.25	\$126.50
	4	\$20.50	\$102.50
	5	\$15.75	\$78.75
See NOTE 4 below	6 or more	\$10.00	\$50.00
Between \$37,575.51 and \$42,273.50	1-2	\$35.25	\$176.25
	3	\$31.00	\$155.00
	4	\$25.25	\$126.50
	5 -6	\$20.50	\$102.50
See NOTE 5 below	7 or more	\$10.00	\$50.00
Between \$42,273.51 and \$46,971.50	2	\$37.50	\$187.50
	3	\$35.25	\$176.25
	4	\$31.00	\$155.00
	5 -7	\$25.25	\$126.50
See NOTE 6 below	8 or more	\$10.00	\$50.00
Between \$ \$46,971.51 and \$48,550.50	1-2	No Subsidy	No limit
	3	\$47.50	\$237.50
	4	\$42.50	\$212.50
	5 -8	\$37.50	\$187.50
See NOTE 7below	8 or more	\$10.00	\$50.00
Between \$48 ,971.51 and \$51,669.50	1-2	No subsidy	No limit
	3	\$50.00	\$250.00
	4	\$47.50	\$237.50
	5 -8	\$42.50	\$212.50
See NOTE 8 below	9 or more	\$10.00	\$50.00
Between \$51,669.51 and \$54,999.50	1-3	No subsidy	No Limit
	4	65.00	325.00
	5	60.00	300.00
	6	\$ 55.00	\$275.00
See NOTE 9 below	7 -9	50.00	250.00
	10 or more	\$10.00	\$50.00
\$54,999.51 + See NOTE 14 below			
SEE CLARIFICATION NOTES ON THE FOLLOWING PAGE....			

NOTE 1. For all incomes under \$23,250.00 per year, no matter how many family members, the mediation fee for such a qualifying party is a \$10.00 per hour up to 5 hours for a total of \$50.00. Parties in this category shall not pay more than \$50.00.

NOTE 2. For incomes between \$23,250.01 and \$28,179.00 per year, with a family size of 5 or more, the mediation fee such a qualifying party is a \$10.00 per hour up to 5 hours for a total of \$50.00. Parties in this category shall not pay more than \$50.00.

NOTE 3. For incomes between \$28,179.01 and \$32,877.50 per year, with a family size of 6 or more, the mediation fee such a qualifying party is a \$10.00 per hour up to 5 hours for a total of \$50.00. Parties in this category shall not pay more than \$50.00.

NOTE 4. For incomes between \$32,877.51 and \$37,575.50 per year, with a family size of 6 or more, the mediation fee such a qualifying party is a \$10.00 per hour up to 5 hours for a total of \$50.00. Parties in this category shall not pay more than \$50.00.

NOTE 5. For incomes between \$37,575.51 and \$42,273.50 per year, with a family size of 7 or more, the mediation fee such a qualifying party is a \$10.00 per hour up to 5 hours for a total of \$50.00. Parties in this category shall not pay more than \$50.00.

NOTE 6. For incomes between \$42,273.51 and \$46,971.50 per year, with a family size of 8 or more, the mediation fee such a qualifying party is a \$10.00 per hour up to 5 hours for a total of \$50.00. Parties in this category shall not pay more than \$50.00.

NOTE 7. For all incomes over \$46,971.51 per year, the family size must be at least three (3) or more to qualify. For incomes between \$46,971.51 and \$48,550.50 per year, with a family size of 8 or more, the mediation fee such a qualifying party is a \$10.00 per hour up to 5 hours for a total of \$50.00. Parties in this category shall not pay more than \$50.00.

NOTE 8. For incomes between \$48,971.51 and \$51,669.50 per year, with a family size of 9 or more, the mediation fee such a qualifying party is a \$10.00 per hour up to 5 hours for a total of \$50.00. Parties in this category shall not pay more than \$50.00.

NOTE 9. For all incomes over \$51,669.51 per year, the family size must be at least four (4) or more to qualify for a subsidy. For incomes between \$51,669.51 and \$54,999.50 per year, with a family size of 10 or more, the mediation fee such a qualifying party is a \$10.00 per hour up to 5 hours for a total of \$50.00. Parties in this category shall not pay more than \$50.00.

NOTE 10: Subsidized mediation services are for a maximum of five (5) hours. For mediations that go beyond the 5 hours, arrangements for payment must be made with the mediator.

NOTE 11: In the case of a Civil and or Personal Injury mediation if the net monetary agreement after expenses and attorneys fees exceed \$40,000.00 then the prevailing party is disqualified and that party's attorney shall pay the regular mediation expense and may charge it as a client expense to be reimbursed out of the settlements proceeds.

NOTE 12: In the case of a Family mediation if the net assets after expenses and attorneys fees exceed \$40,000.00, excluding primary residence, then the receiving party is disqualified and that party shall pay the regular mediation expense at the time of the mediation and may charge it as a client expense to be reimbursed out of the proceeds

from the settlements proceeds.

NOTE 13: If the party's non-exempt assets; excluding the primary residence; totals \$40,000.00 or above, the party does not qualify for subsidized mediation. All community property shall be valued at $\frac{1}{2}$ the total equity value.

NOTE 14: Family shall be defined as all persons living in the same house (excluding spouse in divorce cases) and for whom there is legal or moral obligation of support.