

# The Supreme Court of South Carolina

Re: Forms for Court-Annexed Alternative Dispute Resolution

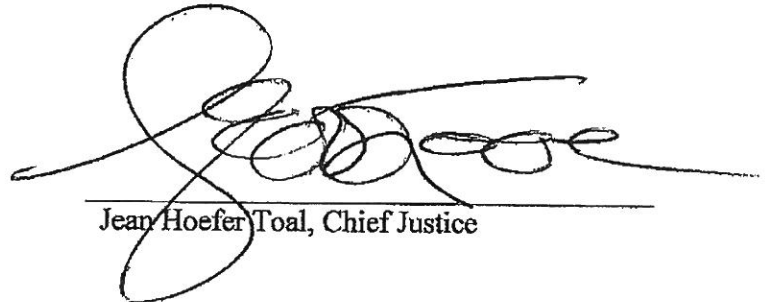
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## ADMINISTRATIVE ORDER

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By order dated February 1, 2006, this Court adopted court-annexed ADR Rules and amended Rule 601, SCACR. The rule changes became effective May 3, 2006, pursuant to Supreme Court order of the same date. The attached forms are approved for use with the court-annexed ADR Rules effective immediately.

IT IS SO ORDERED.



Jean Hoefler Toal, Chief Justice

May 5 2007  
Columbia, South Carolina

**SUGGESTED LANGUAGE TO BE INCLUDED ON NOTICE OF INTENT TO FILE SUIT IN A PROFESSIONAL NEGLIGENCE CASE AS REQUIRED BY ADR RULE 4 (c)**

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NOTICE: THIS DISPUTE IS SUBJECT TO A MANDATORY PRE-SUIT MEDIATION REQUIREMENT WITHIN 120 DAYS AS SET FORTH IN S.C. CODE § 15-79-125 (C) AND ADR RULE 5 (f).

In the event the parties are unable to agree upon a mediator, the Court hereby appoints \_\_\_\_\_ to serve as mediator. In the event the aforementioned mediator has a conflict of interest or is unable to serve, the alternative mediator is \_\_\_\_\_ .

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF \_\_\_\_\_ )  
 )  
\_\_\_\_\_  
Plaintiff, )  
 )  
vs. )  
 )  
\_\_\_\_\_  
Defendant. )  
 )

IN THE COURT OF COMMON PLEAS

NOTICE OF ADR

\_\_\_\_\_ -CP - \_\_\_\_\_ - \_\_\_\_\_

Case File Date: \_\_\_\_\_

Pursuant to the South Carolina Alternative Dispute Resolution Rules (SCADR), you are required to participate in the following methods of Alternative Dispute Resolution (ADR): mediation or arbitration (binding or non-binding); on or before 300 days from the date of filing of this action. The parties have a right to mutually agree upon the form of ADR and a neutral person(s) to conduct that ADR process. In the event the parties are unable to agree upon the form of ADR, the court hereby designates mediation as the default process of ADR. In the event the parties are unable to agree upon a mediator, the court hereby appoints \_\_\_\_\_

to serve as mediator. In the event the aforementioned mediator has a conflict of interest or is unable to serve, the alternate mediator is \_\_\_\_\_

The parties and/or their lawyers shall contact the court-appointed mediator directly regarding scheduling and payment of the court-mandated fee.

A Rule to Show Cause why sanctions should not be imposed may be issued in all cases that fail to file a Proof of ADR or Exemption form indicating evidence of participation in or exemption from an ADR process within 300 days from the date of filing of the action or 90 days from the date of this notice.

Date: \_\_\_\_\_

\_\_\_\_\_  
Clerk of Court

Notice of this Order was given by facsimile transmission, or if no fax number is shown, by first class mail or email to the attorneys of record on \_\_\_\_\_

Plaintiff's Lawyer: \_\_\_\_\_

Defendant's Lawyer: \_\_\_\_\_

Clerk's Initials: \_\_\_\_\_

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF \_\_\_\_\_ )  
 )  
\_\_\_\_\_  
Plaintiff, )  
 )  
vs. )  
 )  
\_\_\_\_\_  
Defendant. )  
 )  
\_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS

PROOF OF ADR OR EXEMPTION

FILE NO.: \_\_\_\_\_

(An original and copy of this form is to be completed and filed with the Office of the Clerk of Court and a copy forwarded to the attorneys for the parties within 10 days of the conclusion of ADR, or within 300 days of the filing date of the action, whichever is earlier.)

PURSUANT to the South Carolina Alternative Dispute Resolution Rules (SCADR):

A. \_\_\_\_\_ I certify that this case is exempt from ADR for the following reason and the parties wish to exercise that exemption:

\_\_\_\_\_  
Plaintiff/Attorney for Plaintiff      Defendant/Attorney for Defendant

\_\_\_\_\_  
Print Name      Print Name

\_\_\_\_\_  
Phone/Fax      Phone/Fax  
Date: \_\_\_\_\_

B. \_\_\_\_\_ 1. Alternative Dispute Resolution (ADR) was conducted in the form of:

\_\_\_\_\_  
(Note: If binding arbitration has been chosen by the parties but not yet completed, an appropriate order of dismissal must be attached hereto.)

2. The neutral(s) was/were: (Name of arbitrator/mediator):

\_\_\_\_\_

3. The ADR was conducted on \_\_\_\_\_, 20 \_\_\_\_\_

4. As a result of ADR, this case should be considered (please check one);

       Fully Settled.

       by Consent Judgment, to be filed by \_\_\_\_\_

or        Voluntary Dismissal to be filed by \_\_\_\_\_

       Partially Settled.

       At an Impasse.

       In need of further ADR I  am  am not willing to  
continue as a neutral. I recommend that ADR resume as  
of \_\_\_\_\_ .

5. Plaintiff  was present  was not present  
Defendant  was present  was not present

6. Other participants were:

\_\_\_\_\_ Lawyer for Defendant \_\_\_\_\_

\_\_\_\_\_ Lawyer for Plaintiff \_\_\_\_\_

\_\_\_\_\_ Representative for Insurance Carrier \_\_\_\_\_

\_\_\_\_\_ Guardian *ad Litem* \_\_\_\_\_

\_\_\_\_\_ Experts \_\_\_\_\_

\_\_\_\_\_ Others \_\_\_\_\_

7. Choice of the neutral was by:

\_\_\_\_\_ Stipulation

\_\_\_\_\_ Court Order

8. The total number of hours spent in ADR was: \_\_\_\_\_ hours.

9. Further comments of the neutral:

\_\_\_\_\_

\_\_\_\_\_  
Neutral's Signature

Date: \_\_\_\_\_

CIRCUIT COURT

RULE TO SHOW CAUSE

Lawyer's name and address

RE:

Dear:

According to court records, you have not submitted the Proof of ADR or Exemption form required by the Standing Order for Alternative Dispute Resolution. We are now required to issue a Rule to Show Cause why sanctions should not be imposed in this case.

Please contact me immediately at \_\_\_\_\_ or fax me at \_\_\_\_\_, if my records are incorrect.

Sincerely,

ADR Coordinator

Letter to:       Opposing Counsel

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF \_\_\_\_\_ )  
 )  
 \_\_\_\_\_ )  
 Plaintiff, )  
 vs. )  
 )  
 \_\_\_\_\_ )  
 Defendant. )

IN THE FAMILY COURT  
 \_\_\_\_\_ JUDICIAL CIRCUIT

**ADR RULE 4  
 ORDER APPOINTING MEDIATOR**

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

Plaintiff Attorney: \_\_\_\_\_ Hearing Date: \_\_\_\_\_  
 Defendant Attorney: \_\_\_\_\_ Judge: \_\_\_\_\_  
 Guardian ad Litem: \_\_\_\_\_ Court Reporter: \_\_\_\_\_

It appears to the satisfaction of this Court that

- custody/visitation issues are contested; or,
- other issues are contested and the parties are ready to request a final hearing.

Therefore, pursuant to ADR Rule 4, counsel for the parties or the parties themselves

- agree to the following mediator:

Name:	
Address:	
Phone:	
Email:	
Fax:	

- have been unable to agree upon a mediator. As a result, the Court appoints the following mediators. In the event the primary mediator has a conflict of interest or is unable to serve, the alternate mediator is appointed.

	Primary Mediator	Alternate Mediator
Name:		
Address:		
Phone:		
Email:		
Fax:		

The parties and/or their attorneys shall contact the Court-appointed mediator directly regarding scheduling. Mediator's fees shall be due when billed.

Date: \_\_\_\_\_, 20\_\_

\_\_\_\_\_, S.C.

\_\_\_\_\_  
 Family Court Judge / Clerk of Court

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
 )  
Defendant. )  
\_\_\_\_\_ )

IN THE FAMILY COURT

REQUEST FOR HEARING

CASE #

Attorney for Plaintiff: \_\_\_\_\_  
Office Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-Mail Address: \_\_\_\_\_

Attorney for Defendant: \_\_\_\_\_  
Office Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-Mail Address: \_\_\_\_\_

GAL: \_\_\_\_\_  
Office Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_

TYPE CASE: \_\_\_\_\_ TIME NEEDED: \_\_\_\_\_

Is custody contested: ( ) YES ( ) NO If yes, add GAL information above  
Are other issues contested? ( ) YES ( ) NO

**If yes to either of the above, submit The Report of Mediator or Order Appointing Mediator.**

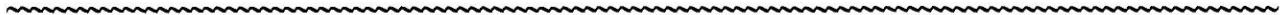
Comments: \_\_\_\_\_  
\_\_\_\_\_

Hearing Requested By: \_\_\_\_\_ Date: \_\_\_\_\_

For: ( ) Plaintiff ( ) Defendant

Dates & Time Unavailable: \_\_\_\_\_





COUNTY FAMILY COURT: FOR COURT USE ONLY  
HEARING NOTICE BY FAX

PURSUANT TO YOUR REQUEST, THE ABOVE MATTER HAS BEEN SET FOR A  
HEARING ON

\_\_\_\_\_ at \_\_\_\_\_ JUDGE: \_\_\_\_\_

TIME ALLOTTED: \_\_\_\_\_

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 Defendant. )  
 \_\_\_\_\_ )

IN THE FAMILY COURT

MEDIATION REPORT

Pursuant to the Court's Order Appointing Mediator:

1. Mediation was conducted by \_\_\_\_\_ on \_\_\_\_\_
2. The following were issues mediated and are settled or contested as indicated.

	Settled	Contested
Paternity		
Custody		
Visitation		
Child Support		
Alimony		
Property & Debt Division		
Attorneys Fees		
Other:		
a.		
b.		
c.		

3. A. Plaintiff  was present  was not present  
B. Defendant  was present  was not present

4. Other participants were:

\_\_\_\_\_ Lawyer for Plaintiff  
\_\_\_\_\_ Lawyer for Defendant  
\_\_\_\_\_ Guardian *ad litem*  
\_\_\_\_\_ Experts  
\_\_\_\_\_ Others:

5. This case was co-mediated with: \_\_\_\_\_
6. Choice of the mediator  Stipulation of Mediator  Selection  Court Order.  
was by
7. The total number of hours spent in mediation was \_\_\_\_\_
8. Additional settlement conferences  would  would not be useful.
9. I  am  am not a lawyer.
10. Further comments of the mediator: \_\_\_\_\_
11. After conferring with counsel and/or the parties, we estimate \_\_\_\_\_  
will be needed for a final hearing on settled and/or contested issues.

A final hearing has not been set

Or

A final hearing has already been set for \_\_\_\_\_

\_\_\_\_\_  
Neutral's Signature

Date: \_\_\_\_\_