



**DEPARTMENT OF JUSTICE
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MEDIATION CONFERENCE PROCEDURES

At the beginning of each mediation conference, plaintiffs' counsel may meet with housing counselors to poll them on the cases they have scheduled for that date to determine whether any matters may be continued as of that time. Matters still under review by plaintiffs should be continued, preferably as early as possible.

Housing counselors and borrowers are to timely submit completed packages to plaintiff's counsel, lender or servicer for review. Deadlines to submit documents included in mediation records are firm deadlines and failure to comply may result in removal from the Mediation Program. In the event a completed package is submitted by a homeowner or housing counselor in advance of a mediation conference, it should be the responsibility of plaintiff's counsel to ensure that the package is timely submitted to the lender or servicer for review. If plaintiff's counsel prefers that the package be submitted directly to the lender or servicer and copied to counsel, they should provide contact information for the lender or servicer to allow the homeowner or housing counselor to resubmit the package in the preferred manner.

All homeowners who appear will be taken in order of their arrival, absent urgent or unforeseen instances where this may not be possible.

All participants should maintain records of any correspondence or submissions of mediation related documents, including fax transmittal reports, read receipts, mailing receipts, confirmations, etc. It is the responsibility of the sending party to maintain proof of submission.

The Mediator should be asked to participate in any mediation conference where the participants have reached an impasse or otherwise cannot reach a resolution on their own. The Mediator should take a statement of facts from each party and accurately and thoroughly record those

This notice is intended to provide guidance for procedures during mediation conferences. These procedures should not be construed as official rules of conduct.

statements in the Mediation Record. The Mediator should include any additional information on the Mediation Record that he/she deems necessary or imperative for the Court's review.

All Mediation Records for cases scheduled on a certain conference date must be received by the Program Administrator at the end of that conference day. This should not prevent the participants from entering into Mediation Records in advance of the conference date, where appropriate. Pursuant to the Administrative Directive Section 15.6.3, all mediation records are to be e-filed within two business days. If a record cannot be provided before the statutory deadline, the Mediator will complete a Continuing Mediation Record and schedule the matter for the next available conference date.

All participants should maintain civility and professional behavior during conferences as set forth in the "Expectations of the Superior Court for Attorneys' Professionalism and Civility in a Courtroom Setting." In the event a participant engages in unprofessional behavior, the Mediator should participate in the conference and make note of the respective behavior on the Mediation Record.

At the beginning of each mediation day, the Program Administrator will provide a list of upcoming mediation dates with the number of schedulings for each counsel for each time slot. This will ensure that overschedulings do not occur.