

## **GUIDELINES FOR REQUESTING MEDIATION PURSUANT TO COURT OF CHANCERY RULE 174(b)**

Court of Chancery Rule 174(b) provides that, with the consent of the parties, the court may enter an order referring all or part of a pending matter to a current judicial officer for mediation. Rule 174 addresses aspects of the resulting mediation process but does not establish a procedure for requesting mediation.

Parties seeking mediation under Rule 174(b) should contact the judicial officer presiding over the matter (the “Presiding Judge”) to request the appointment of a judicial mediator. As a matter of court policy, judicial officers generally will decline to consider requests for mediation if the parties have not contacted the Presiding Judge first. The communication to the Presiding Judge should take the form of a joint letter or motion filed on the docket. The Presiding Judge will review the request to determine whether the matter is suitable for Rule 174(b) mediation and may call a Chambers conference to inform that determination. The letter or motion should identify factors that the parties deem relevant to the Presiding Judge’s review, including potential time constraints on the requested mediation.