

9019–2 ALTERNATIVE DISPUTE RESOLUTION (ADR)

This court has an Alternative Dispute Resolution Program for adversary proceedings filed in bankruptcy cases.

(a) Mandatory Process. The judge assigned to an adversary proceeding may appoint a settlement judge or may order other mediation processes for the purpose of reaching a settlement agreeable to all parties.

(b) Voluntary Process. At the request of any party, the assigned judge may refer an adversary proceeding to a settlement judge selected from one of the bankruptcy judges serving in the district who was not originally assigned to the adversary proceeding, the case, or other mediation processes.

(c) Procedure After Appointment of Settlement Judge. In the order appointing the settlement judge, the court may establish a date for the filing of a position statement by each party. The position statement shall be conveyed directly to the settlement judge and not entered in the case file or disclosed to the trial judge. A conference shall be set before the settlement judge for the appearance of counsel and the parties' representatives who have settlement authority. At the conference, the issues shall be discussed frankly and in-depth. The settlement judge may express an opinion to the parties about the probable outcome of a trial and may mediate the issues involved in the proceeding in an effort to facilitate a settlement. All statements and documents used during the conference shall be kept in confidence. The conference may be continued at the discretion of the settlement judge. The settlement judge shall report the results of the conference to the assigned judge when the settlement negotiations are concluded.

(d) Procedure for Other Mediation Process. In the event the adversary proceeding is referred to other mediation processes, an appropriate order will define the procedure.