

LRCiv 83.10

DISPUTE RESOLUTION

(a) Consideration of Alternative Dispute Resolution. Litigants in all civil cases must consider the use of alternative dispute resolution (ADR) at an appropriate stage in the litigation. As early as the scheduling conference held under Rule 16(b) of the Federal Rules of Civil Procedure, or at any time requested by the parties, the court may offer or parties may request to refer the action to a magistrate judge for the purpose of holding a timely settlement conference (mediation), minitrial, summary jury trial, early neutral evaluation, or other form of ADR. The court may require the parties to participate only in mediation or early neutral evaluation.

(b) Alternative Dispute Resolution in Bankruptcy Proceedings. Pursuant to 28 U.S.C. §§ 157 & 651(b) – and as a component of the Order of Reference in General Order 01-15 – bankruptcy judges (including any recalled bankruptcy judge) for this District are authorized, as part of the performance of their judicial duties, to conduct settlement conferences in bankruptcy cases and proceedings other than those over which the bankruptcy judge presides.

(bc) Confidentiality. All participants in a settlement conference or other form of neutral evaluation referred to and presided over by a magistrate judge or bankruptcy judge must maintain the confidentiality of the proceedings, unless ordered otherwise by the presiding judge, or magistrate judge, or bankruptcy judge. This confidentiality shall not apply to orders setting and regulating the ADR process.

(ed) Disqualification. The provisions of 28 U.S.C. § 455 apply to any magistrate judge or bankruptcy judge to whom an action has been referred for ADR.

(de) No Delay in Case Processing. No party may offer ADR as a reason to delay the processing of the case as established in the Rule 16 scheduling order.