

# IOWA – NORTHERN and SOUTHERN

*December 1, 2009*

## **LR 16.2 ALTERNATIVE DISPUTE RESOLUTION (ADR)**

**a. Authorization of ADR.** Pursuant to 28 U.S.C. § 651(b), the court authorizes the use of ADR in civil cases, including adversary proceedings in bankruptcy. The court's primary ADR procedure is private mediation. Alternatively, the court may, either upon the request of a party or on its own initiative, schedule a court-sponsored settlement conference, in a mediation format, to be held by a federal judge or some other qualified neutral person. In appropriate cases, and with the consent of the parties, the court may facilitate other forms of ADR, as authorized by law.

**b. Judicial Function.** Any participation by a federal judge in an ADR procedure is a judicial function of the court.

**c. Designation of Cases.** The court may schedule a settlement conference whenever the court concludes that the nature of the case, the amount in controversy, or the status of the case indicates a settlement conference might be beneficial. Additionally, the parties should consider the use of ADR at every appropriate stage in the litigation. Upon the request of any party, which may be made ex parte and at any stage of the proceedings, the court will consider scheduling a settlement conference.

**d. Conflicts.** If a party believes a federal judge or other neutral person conducting a court-sponsored ADR proceeding should be disqualified from conducting the proceeding for any reason, the party must notify the court of the reason promptly, and if the court agrees, the court will appoint some other federal judge or other neutral person to conduct the proceeding. A federal judge who conducts an ADR proceeding is governed by the standards for disqualification and recusal set forth in 28 U.S.C. §§ 144 and 455.

### **e. Confidentiality.**

Neither the settlement judge nor any other neutral person conducting a court-sponsored settlement conference will inform the trial judge of any positions taken by the parties during an ADR proceeding, but will advise the trial judge only as to whether the case has settled. The trial judge ordinarily will not serve as the settlement judge.

All written and oral statements made by participants or their representatives during or in relation to a court-sponsored ADR proceeding are confidential. Any written submissions in connection with a court-sponsored ADR proceeding must be sent directly to the settlement judge or other neutral person conducting the proceeding, and not filed. Disclosure of confidential ADR communications is prohibited, except as authorized by the court or agreed to by the parties. The ADR process itself is confidential and not open to the public.

Neither a federal judge nor any other neutral person who conducts a court sponsored ADR proceeding may be called to testify in connection with any dispute concerning the proceeding or its result without the written agreement of the parties and either the federal judge or the other neutral person who conducted the proceeding, except as otherwise required by law.

**f. Administration.** Each district will designate an ADR program administrator to implement, oversee, and evaluate the district's ADR program. Parties and counsel may contact the Clerk of Court for more information about the district's ADR programs, or with any comments or complaints.