

LOUISIANA – WESTERN

March 18, 2011

LR16.3.1 Alternative Dispute Resolution

When the trial judge in a civil matter determines that disposition of the case may be enhanced by the use of mediation, an alternative dispute resolution (ADR), the judge may, with the prior approval of the parties or their counsel, refer the matter to a mediator of the judge's selection or to a mediator of the parties' selection. With the consent of the parties or their counsel, the trial judge may order a nonbinding mini-trial or summary jury trial under such terms and circumstances as agreed to by the parties or their counsel.

The clerk of court shall notify plaintiff or counsel for plaintiff when plaintiff is represented, who in turn shall notify each attorney in the proceeding, and each unrepresented party, that the court expects the parties to consider the use of ADR no later than 200 days after initial filing in federal court. Should the parties avail themselves of an ADR procedure, the success or failure of that use shall be reported to the Chief Judge of the Western District of Louisiana. The Chief Judge, or delegate, shall be the administrator of the plan and shall perform such duties as are required by law.

Qualified mediators, also referred to as neutrals, include those individuals listed on the register of qualified civil mediators under La. R. S. 9:4106. A neutral may be disqualified for cause pursuant to 28 U.S.C. § 144 and shall be disqualified in any case in which a judge would be disqualified pursuant to 28 U.S.C. §455. Any party who believes that an assigned neutral has a conflict of interest shall file a motion for disqualification immediately. Failure to file will be deemed to be a waiver of the objection. Compensation of the neutral, if the appointment is accepted by the neutral, shall be subject to the agreement of the parties and the neutral. The court shall not provide funding for non-staff ADR neutrals.

All ADR proceedings shall be confidential.