

# ADR in the Federal District Courts –District-by-District Summaries

revised March 2016

District	How Voluntary is the ADR process?	Provider of Mediation Services	Payments for Neutrals	Attendance Requirement	Sanctions Available	Confidentiality
<b>ALM</b> <b>Alabama</b> <b>Middle</b>	Completely voluntary - requires both parties' consent. Parties are required, however, "to consider whether mediation will assist the parties in resolving" their case. <i>See</i> <a href="#">L.R. 16.1; Mediating in the Middle District of Alabama.</a>	Judicial Officer. <i>See</i> <a href="#">Mediating in the Middle District of Alabama.</a>				"The [C]ourt strictly enforces the confidentiality of mediation." <i>See</i> <a href="#">L.R. 16.1; Mediating in the Middle District of Alabama.</a>
<b><a href="#">ALN</a></b> <b><a href="#">Alabama</a></b> <b><a href="#">Northern</a></b>	Ordered by the Court or by agreement of all parties. If ordered, a party may file objections. If the parties want to utilize a form of ADR other than mediation, the Court may permit them to do so. <i>See</i> <a href="#">L.R. 16.1; Alternative Dispute Resolution Plan.</a>	The Court maintains a panel of private neutrals. The neutral is either selected by the Court or by agreement of all parties. <i>See</i> <a href="#">Alternative Dispute Resolution Plan.</a>	Panel neutrals are compensated at reasonable rates agreed to by the parties or set by the court. Parties split fees unless court orders or parties agree otherwise. Volunteer panel neutrals are asked to provide up to 5 hours of uncompensated services each year. <i>See</i> <a href="#">Alternative Dispute Resolution Plan.</a>	Parties or representatives and their primary attorneys must attend mediation conferences. <i>See</i> <a href="#">Alternative Dispute Resolution Plan.</a>	The Court may impose sanctions for failure to attend mediation conferences. <i>See</i> <a href="#">Alternative Dispute Resolution Plan.</a>	"The parties and the mediator may not disclose information regarding the process, including the terms of settlement, except as required by law or otherwise agreed by the parties. . . . The mediation process must be treated as a compromise negotiation or purposes of the Federal Rules of Evidence and State rules of evidence." <i>See</i> <a href="#">Alternative Dispute Resolution Plan.</a>

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<b>ALS</b> <b>Alabama</b> <b>Southern</b>	Ordered by the Court or by agreement of all parties. If ordered, a party may file objections. <i>See</i> <a href="#">L.R. 16(d)</a> ; <a href="#">Alternative Dispute Resolution Plan</a> .	Magistrate Judge, panel neutral or appropriate neutral evaluator. <i>See</i> <a href="#">L.R. 16(d)</a> .	Parties must bear expenses equally unless otherwise agreed to by the parties or ordered by the court. Mediator must be compensated at a "reasonable rate." <i>See</i> <a href="#">Alternative Dispute Resolution Plan</a> .	Parties or representatives and their primary attorneys must attend mediation conferences.  <i>See</i> <a href="#">Alternative Dispute Resolution Plan</a> .	The Court may impose sanctions for failure to attend mediation conferences. <i>See</i> <a href="#">Alternative Dispute Resolution Plan</a> .	The mediation process shall be treated as a compromise negotiation for the purposes of the FRE and State rules of evidence. As a result, any information revealed and not otherwise known by the opposing party is inadmissible for any purpose absent a specific ruling by the Court. <i>See</i> <a href="#">Alternative Dispute Resolution Plan</a> .
<b>AK</b> <b>Alaska</b>	The Court may order mediation upon the request of one or both parties, or on the Court's own motion. <i>See</i> <a href="#">L.R. 16.2</a> .	Either a private neutral that the parties agree upon, or a judicial officer (who is not assigned to case and who consents to serve). <i>See</i> <a href="#">L.R. 16.2(e)(2)</a> .	Paid according to mediator's fee schedule. Parties share cost equally unless otherwise agreed on by parties or ordered by court. Court may intervene if there is a dispute regarding compensation. <i>See</i> <a href="#">L.R. 16.2(i)</a> .			No communication by a mediator or any other person during the mediation may be disclosed unless all parties and the mediator consent. Mediation or settlement statements may not be disclosed without the parties' express consent and are not admissible in any proceeding. However, there are some limited exceptions if disclosure is (1) not prohibited by law; (2) necessary to prevent manifest injustice; and (3) necessity outweighs need for confidentiality. <i>See</i> <a href="#">L.R. 16.2(i)</a> .
<b>AZ</b> <b>Arizona</b>	The Court may order mediation or ENE; The Court may offer or the parties may request all other methods. <i>See</i> <a href="#">L.R. 83.10</a>	Magistrate judge. <i>See</i> <a href="#">L.R. 83.10</a>		Yes. <i>See</i> Settlement Conference Orders for Magistrate Judges: <a href="#">Bade</a> , <a href="#">Boyle</a> , and <a href="#">Burns</a>	Yes. <i>See</i> Settlement Conference Orders for Magistrate Judges: <a href="#">Bade</a> , <a href="#">Boyle</a> , and <a href="#">Burns</a>	"All communications and information exchanged during the settlement process, not otherwise discoverable, will not be admissible in evidence for any purpose." <i>See</i> <a href="#">Boyle</a> Order; <i>see also</i> <a href="#">Bade</a> and <a href="#">Burns</a> Orders.

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<a href="#"><u>ARE</u></a> <a href="#"><u>Arkansas</u></a> <a href="#"><u>Eastern</u></a> <a href="#"><u>amended</u></a> <a href="#"><u>2012</u></a>	Parties must “consider” the use of ADR, except in exempted cases. <i>See</i> <a href="#"><u>General Order 50</u></a> .	Magistrate judges are authorized to conduct settlement conferences. <i>See</i> <a href="#"><u>General Order 50</u></a> .				“Communications of litigants, attorneys and magistrate judges during the ADR process are confidential, and disclosure of these communications is prohibited.” <i>See</i> <a href="#"><u>General Order 50</u></a> .
<b>ARW</b> <b>Arkansas</b> <b>Western</b>	Parties must "consider" the use of ADR, except in exempted cases. <i>See</i> <a href="#"><u>General Order 32</u></a> .	Magistrate judges are authorized to conduct settlement conferences. <i>See</i> <a href="#"><u>General Order 32</u></a> .				“Communications of litigants, attorneys and magistrate judges during the ADR process are confidential, and disclosure of these communications is prohibited.” <i>See</i> <a href="#"><u>General Order 32</u></a> .
<b>CAC</b> <b>California</b> <b>Central</b>	Cases are either presumptively referred to the Court-Directed ADR program or referred following an individual or joint request made during the rule 26(f) conference. Certain categories of cases are exempted from Court-Directed ADR Program. <i>See</i> <a href="#"><u>General Order 11-10</u></a> (sections 5 and 6).	Individual from Mediator Panel list; District Judge, magistrate judge, or private neutral. <i>See</i> <a href="#"><u>General Order 11-10</u></a> (sections 3, 5 and 6).	Preparation time and the first three hours are provided free of charge. After three hours, the panel mediator may: (1) permit the parties to conclude mediation; (2) continue to mediate without compensation; or (3) continue to mediate at rates agreed upon by neutral and parties. <i>See</i> <a href="#"><u>General Order 11-10</u></a> (section 3).	Parties or a representative with final authority to settle must attend. The Mediator has the discretion to allow parties residing outside the district to participate by telephone. Trial Attorneys must also be present. <i>See</i> <a href="#"><u>General Order 11-10</u></a> (section 8).	Sanctions may be imposed. <i>See</i> <a href="#"><u>General Order 11-10</u></a> (section 10).	Confidential information shall include: written mediation statements; documents prepared for purpose of, in the course of, or pursuant to mediation; anything that happened or was said relating to the subject matter of the case in mediation; any position taken; and any view of the merits of the case expressed by any participant. There are limited exceptions to the confidentiality rule and the mediator may ask the parties to sign a confidentiality agreement. <i>See</i> <a href="#"><u>General Order 11-10</u></a> (section 9).

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<b>CAE California Eastern</b>	Cases are either presumptively referred to the Voluntary Dispute Resolution Program (VDRP) or referred following a joint request made by the parties. Certain categories of cases are exempted from the VDRP. Referral to VDRP may be ordered for discrete subparts of complex cases. <i>See</i> <a href="#">L.R. 271</a> (sections A-C).	Either a Voluntary Dispute Resolution Program (VDRP) volunteer panel neutral or a private neutral. <i>See</i> <a href="#">L.R. 271</a> (section E).	Neutrals served without compensation. <i>See</i> <a href="#">L.R. 271</a> (section G).	Parties and their lead counsel are required to attend in person. Requests to attend telephonically may be granted if attendance would impose a serious and unjustifiable hardship, but requests may only be made after conferring with opposing counsel. <i>See</i> <a href="#">L.R. 271</a> (section L).	Sanctions may be imposed. <i>See</i> <a href="#">L.R. 271</a> (section P).	Except as provided in this rule and except as otherwise required by law, all communications made in any VDRP proceeding shall be privileged and confidential unless stipulated in writing by all parties and the Neutral. <i>See</i> <a href="#">L.R. 271</a> (section M).
<b>CAN California Northern</b>	Most cases are automatically assigned to ADR. Cases may also be assigned to ADR following a joint stipulation by all parties, or by Court order following a party's motion or the Court's own initiative. A party that has been automatically referred to ADR may seek relief from automatic referral. <i>See</i> <a href="#">ADR L.R. 3-3</a> .	ADR neutrals may be individuals from the certified ADR panel, legal staff of ADR Unit, private neutrals, or judicial officers. <i>See</i> <a href="#">ADR L.R. 2-5</a> .	The ADR program requires that neutrals volunteer preparation time and the first four hours. Afterwards, the neutral may (1) continue to volunteer, (2) conclude the ADR procedure, or (3) be paid a rate that the parties agree to pay. If necessary, other arrangements can be made. Private ADR may be subject to different rules. <i>See</i> <a href="#">ADR L.R. 5-3 and 6-3</a> .	Parties and their lead counsel are required to attend in person. Requests to attend telephonically may be granted if attendance would impose a serious and unjustifiable hardship, but requests may only be made after conferring with opposing counsel. <i>See</i> <a href="#">ADR L.R. 5-10 and 6-10</a> .	Sanctions may be imposed. <i>See</i> <a href="#">ADR L.R. 2-4</a> .	Confidential information shall include: written ADR statements; documents prepared for purpose of, in the course of, or pursuant to ADR; anything that happened or was said relating to the subject matter of the case in ADR; any position taken; and any view of the merits of the case expressed by any participant. There are limited exceptions to this rule and the ADR neutral may ask the parties to sign a confidentiality agreement. <i>See</i> <a href="#">ADR L.R. 5-12(ENE); 6-12 (Mediation); 7-4 (Settlement Conferences)</a> .  Note: Private ADR proceedings are not subject to these rules.

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<b>CAS California Southern</b>	ENE conferences are required in all cases. If a settlement is not reached at the ENE conference, the parties can agree to or judicial officer can refer to non-binding arbitration or mediation. <i>See <a href="#">L.R. 16.1(c)</a>.</i>	ENE conferences are conducted by the judicial officer assigned to supervise discovery in a particular case. <i>See <a href="#">L.R. 16.1(c)</a>.</i>		Counsel and the parties must appear for the ENE conference with authority to discuss and enter into settlement. <i>See <a href="#">L.R. 16.1(c)</a>.</i>		ENE conferences are “informal, off the record, privileged, and confidential.” <i>See <a href="#">L.R. 16.1(c)</a>.</i>
<b>CO Colorado</b>	Litigants in civil actions "shall consider" the use of an ADR process. Additionally, a judicial officer may direct parties to engage in ENE or other ADR processes. <i>See <a href="#">L.R. 16.6(a)</a>.</i>	Magistrate Judges serve as neutrals in ENE conferences. The rule does not address other ADR processes. <i>See <a href="#">L.R. 16.6(b)</a>.</i>		A magistrate judge may direct the parties to engage in ENE or other ADR proceedings. <i>See <a href="#">L.R. 16.6(e)</a>.</i>		A party or the magistrate judge shall not voluntarily disclose or be required to disclose any information concerning any communication provided in confidence to the magistrate judge in connection with an ADR proceeding. <i>See <a href="#">L.R. 16.6(e)</a>.</i>
<b>CT Conn.</b>	Referral to ADR is voluntary. <i>See <a href="#">L.R. 16(h)</a>.</i>	ADR Providers may include “a court - annexed ADR project [Special Master or panel mediator]; a profit or non-profit private organization; or any qualified person or panel selected by the parties. <i>See <a href="#">L.R. 16(h)</a>.</i>		Attendance “shall take precedence over all non-judicially assigned matters.” <i>See <a href="#">L.R. 16(h)</a>.</i>		All ADR sessions shall be deemed confidential and protected by the provisions of Fed. R. Evid. 408 and Fed. R. Civ. P. 68. No statement made or document produced as a part of an ADR proceeding, not otherwise discoverable or obtainable, shall be admissible as evidence or subject to discovery. <i>See <a href="#">L.R. 16(h)</a>.</i>
<b><a href="#">DE Delaware</a></b>	Magistrate judges in civil matters are to “conduct various alternative dispute resolution processes.” <i>See <a href="#">L.R. 72.1</a>.</i>	Magistrate Judges conduct ADR.  <i>See Overview of Mediation/ADR Processes for <a href="#">Fallon</a>, <a href="#">Burke</a>, and <a href="#">Thynge</a>.</i>		Trial counsel or decision makers with full authority to settle the case must attend.	Sanctions may be imposed for violations of the confidentiality rule.	Information disclosed during mediation, including the contents of any written submissions, is confidential and may not be disclosed without consent and may not be used in any litigation, absent a court order.

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<b>DC District of Columbia</b>	Mediation is either voluntary or mandatory. <i>See</i> <a href="#">L.R. 84.3</a> .	Mediators are either from a court-certified panel or private. <i>See</i> <a href="#">L.R. 84.3</a> .	Mediators from court-certified panel serve pro bono. Private neutrals may charge. <i>See</i> <a href="#">L.R. 84.3</a> .	Counsel and parties with settlement authority must attend. <i>See</i> <a href="#">L.R. 84.8</a> .	Sanctions may be imposed if deemed appropriate. <i>See</i> <a href="#">L.R. 84.10</a> .	With some limited and exceptions, no communications or information acquired through mediation shall be used in any pending or future proceeding. <i>See</i> <a href="#">L.R. 84.9</a> .
<b>FLM Florida Middle</b>	Court-annexed mediation may be ordered or the parties may voluntarily request mediation. However, certain categories of cases and cases that have been arbitrated are exempt. Arbitration is voluntary. <i>See</i> <a href="#">L.R. 9.03</a> .	Mediators are from a list of mediators certified by the Court. <i>See</i> <a href="#">L.R. 9.02</a> .  Arbitrators are also certified by the Court. <i>See</i> <a href="#">L.R. 8.01</a> .	The presumption is that that parties will arrange to split and pay a reasonable rate the certified mediator. <i>See</i> <a href="#">L.R. 9.02</a> . Arbitrators are paid by the Administrative Office of the United States Courts. <i>See</i> <a href="#">L.R. 8.01</a> .	All parties, corporate representatives or other claims professionals must be present at the mediation or arbitration. <i>See</i> <a href="#">L.R. 9.05</a> ; <i>see also</i> <a href="#">L.R. 8.04</a> .	Sanctions may be imposed. <i>See</i> <a href="#">L.R. 9.05</a> .	All proceedings, including statements made during mediation, are privileged in all respects. The proceedings may not be reported, recorded, placed into evidence, made known to the Court or construed as an admission against interest. <i>See</i> <a href="#">L.R. 9.07</a> .
<b><a href="#">FLN Florida Northern</a></b>	The Court may order the parties to mediate and the parties may agree to mediate voluntarily. <i>See</i> <a href="#">L.R. 16.3</a> .	Either court certified mediator or (by mutual agreement and with court approval) private mediator. <i>See</i> <a href="#">Florida Rules for Certified and Court-Appointed Mediators</a> .	Fees charged shall be reasonable and consistent with the nature of the case. <i>See</i> <a href="#">Florida Rules for Certified and Court-Appointed Mediators Rule 10.380</a> .			Everything said during a mediation or settlement conference—other than the terms of any settlement agreement itself—is confidential and inadmissible as a settlement negotiation. <i>See</i> <a href="#">L.R. 16.3</a> .
<b>FLS Florida Southern</b>	Mediation is mandatory no later than 60 days before the scheduled trial date in every civil case except the 13 categories listed in the L.R. <i>See</i> <a href="#">L.R. 16.2(c)</a> . The parties may also stipulate to the use of mediation.	Parties are encouraged to use certified mediator from court panel but both parties may agree to use private mediator.	The Court sets the rate for compensating the certified mediators. The parties may also agree in writing to a different rate. The presumption is that the parties will split the fees equally. <i>See</i> <a href="#">L.R. 16.2(b)</a> .	Attendance at the mediation conference is required. <i>See</i> <a href="#">L.R. 16.2(e)</a> .	Failure to attend scheduled mediation conference may result in sanctions. <i>See</i> <a href="#">L.R. 16.2(e)</a> .	All proceedings of the mediation are confidential and privileged in all respects under federal law and Florida Statutes § 44.405. The proceedings may not be reported, recorded, placed into evidence, made known to the Court or construed as an admission against interest. <i>See</i> <a href="#">L.R. 16.2(g)</a> .

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<a href="#"><u>GAM Georgia Middle</u></a>	In every case, attorneys and their clients are required to consider whether ADR could help to resolve their case. <i>See <a href="#">Standards of Conduct #10 in L.R. s.</a></i>					
<b>GAN Georgia Northern</b>	Parties required to “consider” ADR. Court may refer any case to non-binding ADR process or, with parties' consent, to binding ADR process. <i>See <a href="#">L.R. 16.7(D)</a>.</i>	Judges appoint the ADR neutral. The parties may each send a list of three neutrals and may also agree upon a list. The Court-annexed ADR program has not been funded by Congress. <i>See <a href="#">L.R. 16.7(F)</a>.</i>	Parties are encouraged to agree upon the compensation for the ADR neutral at or before the first conference. <i>See <a href="#">L.R. 16.7(M)</a>.</i>	Litigants and their lead attorneys must attend ADR conference unless excused for good cause. <i>See <a href="#">L.R. 16.7 (I)</a>.</i>	The willful failure to attend ADR conference may result in sanctions. <i>See <a href="#">L.R. 16.7 (I)</a>.</i>	Every ADR process is treated as a compromise negotiation for the purposes of the Federal Rules of Evidence and the Georgia Rules of Evidence. No record may be made and the ADR neutral is disqualified from appearing in any proceeding. <i>See <a href="#">L.R. 16.7</a>; see also section I regarding confidentiality statements.</i>
<b>GAS Georgia Southern</b>	Mediation is voluntary. <i>See <a href="#">L.R. 16.7.5</a>.</i>	Any neutral that the Court deems to be “qualified and appropriate for the case” or any person jointly requested by the parties. <i>See <a href="#">L.R. 16.7.4</a>.</i>		Attorneys and parties must physically attend entire mediation conference unless excused by the mediator. <i>See <a href="#">L.R. 16.7.6</a>.</i>	The Court may impose sanctions if a person fails to attend a mediation conference without good cause. <i>See <a href="#">L.R. 16.7.6</a>.</i>	All communications in the mediation conference are confidential and shall not be discoverable or admissible in any proceeding, and shall not be communicated to any judicial officer while the case is pending. <i>See <a href="#">L.R. 16.7.8</a>.</i>
<a href="#"><u>GU Guam</u></a>	The Court may order, and the parties may request a judicial settlement conference or mediation. The parties must consent in writing before Arbitration will be ordered. <i>See <a href="#">L.R. 16-2</a>.</i>	Judicial officers, approved mediators, or other mediator selected by mutual agreement. The parties may also select an arbitrator from an approved list or an arbitrator not on the list with Court approval. <i>See <a href="#">L.R. 16-2</a>.</i>	Fees are listed on the Court’s website. Parties contribute equally to mediator's fee, unless they agree otherwise. <i>See <a href="#">L.R. 16-2</a>.</i>			

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<b>HI</b> <b>Hawaii</b>	Settlement conferences before magistrate judges are mandatory in every civil action. <i>See</i> <a href="#">L.R. 16.5</a> . Parties are required to consider mediation and other ADR processes. The Court may order or the parties may stipulate to mediation and other ADR processes. <i>See</i> <a href="#">L.R. 88.1</a> .	Magistrate judges preside over settlement conferences; the Court maintains a list of mediators who have been recommended by the mediation judge and approved by the Court. <i>See</i> <a href="#">L.R. 88.1</a> .	Unless otherwise stipulated by the parties and/or ordered by the court, each party is responsible for a pro-rata share of the mediator's fees and expenses. <i>See</i> <a href="#">L.R. 88.1</a> .	Lead counsel and client (or third person with full settlement authority) required to attend settlement conferences and mediation conference in person. <i>See</i> <a href="#">L.R. 16.5</a> .	The Court may impose sanctions against an attorney, party or person with authority who fails to attend a settlement conference. <i>See</i> <a href="#">L.R. 16.5</a> .	All communications made in connection with mediation are subject to Fed. R. Evid. 408. Mediators and parties shall not communicate with the Court about the substance of any position, offer or other matter relating to the mediation without the consent of all parties, unless it is required to adjudicate a dispute over fees, or an attorney disciplinary proceeding. <i>See</i> <a href="#">L.R. 88.1</a> .
<b>ID</b> <b>Idaho</b>	Any party may request or court may order settlement conference or mediation. For arbitration, any party may make request, but written consent of all parties and their counsel required before judge may issue order. <i>See</i> <a href="#">L.R. 16.4</a> .	Magistrate judges preside over settlement conferences; Mediators and Arbitrators may be selected from a list maintained by the court; and the parties may select mediator off the list by mutual agreement or off the arbitrator list with Court approval. <i>See</i> <a href="#">L.R. 16.4</a> .				
<b>ILC</b> <b>Illinois</b> <b>Central</b>	ADR is strictly voluntary. Parties are encouraged to use ADR, whether through the Court's program or with a private mediator or neutral. <i>See</i> <a href="#">L.R. 16.4</a> (D & E).	District Court and magistrate judges serve as neutrals for ADR through the court's ADR program (but assigned trial judge is excluded); or private neutral. <i>See</i> <a href="#">Mediation Order for MJ Schanzle-Haskins</a>		Each party (or authorized representative) and their lead attorney must attend all mediation conferences. <i>See</i> <a href="#">L.R. 16.4</a> (E).	Sanctions may be imposed for the willful failure to attend a mediation conference. <i>See</i> <a href="#">L.R. 16.4</a> (E).	Mediation is confidential. Neither party, nor the mediator may disclose information regarding the process to the Court or third party without consent. The process is treated like a compromise negotiation for purposes of evidentiary rules. <i>See</i> <a href="#">L.R. 16.4</a> (E).



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<b>ILS</b> <b>Illinois</b> <b>Southern</b>	Unless the case falls under an exception under L.R. 26.1(a), an early settlement conference is mandatory. The Court may also order summary jury trial or other ADR at its discretion. <i>See</i> <a href="#">L.R. 16.3</a> .	Judicial officer		The lead counsel and representative for each party or the party's insurance company are required to attend all settlement conferences. <i>See</i> <a href="#">L.R. 16.3</a> .		Statements or other communications made in relation to settlement conferences "shall remain confidential and shall not be admissible or used in any fashion in the trial of the case or any related case." <i>See</i> <a href="#">L.R. 16.3</a> .
<b><u>INN</u></b> <b><u>Indiana</u></b> <b><u>Northern</u></b>	The Court may order mediation or ENE in any civil case. Also, the parties must confer and advise whether they will utilize a voluntary ADR process. <i>See</i> <a href="#">L.R. 16-6</a> .	The Court maintains a list of neutral available for mediation or ENE. <i>See</i> <a href="#">L.R. 16-6</a> .	The Court may set the hourly rate and the division of such costs by the parties. <i>See</i> the <a href="#">Ind. ADR R. (2.6)</a> .	The parties and their attorneys shall be present unless otherwise agreed. <i>See</i> the <a href="#">Ind. ADR R. (2.7)</a> .	The Court may impose sanctions against any attorney, or party representative who fails to comply with the rules. <i>See</i> <a href="#">Ind. ADR R. (2.10)</a> .	Mediation shall be regarded as settlement negotiations as governed by Ind. Evidence Rule 408. The confidentiality requirement may not be waived by the parties. <i>See</i> <a href="#">Ind. ADR R. (2.11)</a> .
<b>INS</b> <b>Indiana</b> <b>Southern</b>	Voluntary and considered separate from settlement conferences and mediation conducted by judicial officers. <i>See</i> <a href="#">L.R. of ADR</a> .	Mediator from the Indiana Mediator registry or a private mediator by agreement. If parties cannot agree, the judicial officer will assist with selection. <i>See</i> <a href="#">L.R. of ADR</a> .	Each mediator to whom a civil action is referred shall be compensated at a rate agreed upon by the parties and the Mediator. <i>See</i> <a href="#">L.R. of ADR</a> .	The parties, their attorneys, and other persons with settlement authority shall be present at all mediation sessions unless otherwise agreed. <i>See</i> <a href="#">L.R. of ADR</a> .	Sanctions may be imposed against any person who fails to comply with the rules. <i>See</i> <a href="#">L.R. of ADR</a> .	Written or oral communications made during the course of ADR proceedings are confidential and treated as settlement negotiations for evidentiary purposes. <i>See</i> <a href="#">L.R. of ADR</a> .

District	How Voluntary is the ADR Process?	Provider of Mediation Services	Payments for Neutrals	Attendance Requirement	Sanctions Available	Confidentiality
<b>IA</b> <b>Iowa Northern and Southern</b>	Voluntary. The court's preference is private mediation, but it will consider other methods at party's request or on its own initiative (i.e., court-sponsored settlement conference). <i>See</i> <a href="#">L.R. 16.2</a> .	Private mediators are the preferred provider. However, in some cases judicial officers or other qualified neutrals will provide ADR services. <i>See</i> <a href="#">L.R. 16.2</a> .				All statements made during or in relation to court-sponsored ADR proceedings are confidential. Furthermore, neither the neutral nor the settlement judge may inform the trial judge of any positions taken during ADR proceedings. <i>See</i> <a href="#">L.R. 16.2</a> .
<b>KS</b> <b>Kansas</b>	In most cases, the Court will direct the parties to mediate their dispute with a private mediator. In appropriate cases, the court will facilitate other forms of ADR. <i>See</i> <a href="#">L.R. 16.3</a> .	Private mediators who meet the Court's minimum requirements. In limited circumstances, judicial officers may conduct ADR. <i>See</i> <a href="#">L.R. 16.3</a> .	Mediators are paid at the rate negotiated by the attorneys and mediator. The fee is divided by agreement or as ordered by the court. In limited circumstances, ADR will be provided pro bono or at a reduced rate to a party. <i>See</i> <a href="#">L.R. 16.3</a> .	Attendance by party or representative mandatory, unless otherwise ordered by the court; parties' attorney(s) also must be present. <i>See</i> <a href="#">L.R. 16.3</a> .	Court may impose sanctions in appropriate circumstances as provided in Fed. R. Civ. P. Rule 16(f). <i>See</i> <a href="#">L.R. 16.3</a> .	Yes, except as expressly provided, "this court, the mediator, all attorneys, the parties, and any other persons involved in the mediation must treat as "confidential information" the contents of written mediation statements, anything that happened or was said, any position taken, and any view of the merits of the case formed by any participant in connection with any mediation." <i>See</i> <a href="#">L.R. 16.3</a> .
<b>KYE</b> <b>Kentucky Eastern and Western</b>	Voluntary or the Court may order, <i>sua sponte</i> . <i>See</i> <a href="#">L.R. 16.2</a> .	Judicial officer or private professional mediator. <i>See</i> <a href="#">L.R. 16.2</a> .				Positions taken and statements or concessions made during the mediation process shall not be admissible as evidence during any court proceedings. Furthermore, the mediator may not be called or listed as a witness in any matter in which he or she served. <i>See</i> <a href="#">L.R. 16.2</a> .

<b>District</b>	<b>How Voluntary is the ADR Process?</b>	<b>Provider of Mediation Services</b>	<b>Payments for Neutrals</b>	<b>Attendance Requirement</b>	<b>Sanctions Available</b>	<b>Confidentiality</b>
<b>LAE Louisiana Eastern</b>	With the consent of the parties, a judicial officer may refer a case to private mediation or another ADR process. The Court may also employ other dispute resolution programs. <i>See</i> <a href="#">L.R. 16.3.1.</a>	Private, qualified mediator (listed in the register of civil mediators under La. R. S. 9:4106 or judicial officer (depending on ADR method). <i>See</i> <a href="#">L.R. 16.3.1.</a>				All alternative dispute resolution proceedings are confidential. <i>See</i> <a href="#">L.R. 16.3.1.</a>
<b>LAM Louisiana Middle</b>	With the consent of the parties, a judicial officer may refer a case to private mediation or another ADR process. The Court may also employ other dispute resolution programs. <i>See</i> <a href="#">L.R. 16(b).</a>	Private mediator or judicial officer. <i>See</i> <a href="#">L.R. 16(b).</a>				Alternative dispute resolution Proceedings shall be confidential. <i>See</i> <a href="#">L.R. 16(b).</a>
<b>LAW Louisiana Western</b>	The Court may refer a matter to ADR with the parties' consent. <i>See</i> <a href="#">L.R. 16.3.1.</a>	Private, qualified mediator (listed in the register of civil mediators under La. R. S. 9:4106 or judicial officer (depending on ADR method). <i>See</i> <a href="#">L.R. 16.3.1.</a>				All alternative dispute resolution proceedings are confidential. <i>See</i> <a href="#">L.R. 16.3.1.</a>
<b>ME Maine</b>	All court-annexed ADR is voluntary and nonbinding, unless the parties agree otherwise. Parties are also encouraged to employ, at their own expense, any available ADR process. <i>See</i> <a href="#">L.R. 83.11.</a>	Judicial officers (under court-annexed ADR, district and magistrate judges -- and bankruptcy judges as schedules permit) and private neutrals. <i>See</i> <a href="#">L.R. 83.11.</a>				ADR processes are confidential. No one may disclose confidential communications that reveal the positions taken (including any judicial officer not serving as a neutral). And, no such communications are admissible in any subsequent proceeding, except as permitted by law. <i>See</i> <a href="#">L.R. 83.11.</a>

District	How Voluntary is the ADR Process?	Provider of Mediation Services	Payments for Neutrals	Attendance Requirement	Sanctions Available	Confidentiality
<b>MD Maryland</b>	Voluntary, but litigants are required to consider ADR. Arbitration is only available if the parties consent, in accordance with 8 U.S.C. § 654. <i>See</i> <a href="#">L.R. 607</a> .	Magistrate Judges (serve on panel of neutrals that Court makes available) or Private (upon agreement of parties). <i>See</i> <a href="#">L.R. 607</a> .		Trial counsel and a party representative (or claims representative) with full settlement authority are required to attend each settlement conference held by the Court. <i>See</i> <a href="#">L.R. 607</a>		The Court's ADR process is confidential. Unless otherwise agreed, no disclosure shall be made to anyone (including the judicial officer to whom the case is assigned) of any dispute resolution communication that in any respect reveals the positions of the parties or advice or opinions of neutrals. No such communication shall be admissible in any subsequent proceeding except as permitted by the Federal Rules of Evidence. <i>See</i> <a href="#">L.R. 607</a> .
<b>MA Mass.</b>	ADR is voluntary, but judicial officers are required to encourage the use of ADR. <i>See</i> <a href="#">L.R. 16.4</a> .	Private neutrals and judicial officers. <i>See</i> <a href="#">L.R. 16.4</a> .	Private mediators shall be compensated as agreed by the parties. <i>See</i> <a href="#">L.R. 16.4</a> .	Representatives of each party with settlement authority must attend or be available by phone for settlement conferences.		Communications related to the subject matter of the dispute made during mediation by any participant, mediator, or any other person present at the mediation shall be confidential under Fed. R. Evid. 408. <i>See</i> <a href="#">L.R. 16.4</a> .
<b><a href="#">MIE Michigan Eastern</a></b>	All litigants and counsel must consider and discuss the use of an appropriate ADR process at a suitable state of the litigation. <i>See</i> <a href="#">L.R. 16.3</a> .	Judicial officers may provide ADR services. Mediators and case evaluators may be (1) selected by the parties with approval of the judge, or (2) appointed by the judge. <i>See</i> <a href="#">L.R. 16.3</a> .	The mediator is paid his/her normal hourly rate, unless otherwise agreed in writing. Costs split among parties. <i>See</i> <a href="#">L.R. 16.3</a> .	All parties must attend mediation sessions with their lead counsel, except if court excuses attendance due to extraordinary circumstances. <i>See</i> <a href="#">L.R. 16.3</a> .		Communications in ADR proceedings are confidential and may not be disclosed or admitted in any proceeding. They are not subject to discovery, admissible in a proceeding, and may not be disclosed to anyone other than the ADR participants unless the court permits disclosure. The mediator may not be compelled to produce documents relating to ADR matters. <i>See</i> <a href="#">L.R. 16.3</a> .

District	How Voluntary is the ADR Process?	Provider of Mediation Services	Payments for Neutrals	Attendance Requirement	Sanctions Available	Confidentiality
<a href="#"><u>MIW</u></a> <a href="#"><u>Michigan</u></a> <a href="#"><u>Western</u></a>	Mediation is voluntary. All litigants and counsel must consider and discuss the use of an appropriate ADR process at a suitable stage of the litigation process. There are some situations in which the Court may order the use of ADR. See <a href="#"><u>L.R. 16.2.</u></a>	The Court maintains a list of mediators and case evaluators. Although the court does not maintain a list, the parties may also select individuals to serve as early neutral evaluators. See <a href="#"><u>L.R. 16.2.</u></a>	The mediator or case evaluator is paid his/her normal hourly rate, unless otherwise agreed in writing. Costs are split among parties. See <a href="#"><u>L.R. 16.2.</u></a>	All parties must attend mediation, case evaluation, or ENE sessions with their lead counsel. See <a href="#"><u>L.R. 16.2.</u></a>		ADR proceedings treated as compromise negotiations within the meaning of Fed. R. Evid. 408. See <a href="#"><u>L.R. 16.2.</u></a>
<b>MN</b> <b>Minnesota</b>	Mediated settlement conferences are mandatory. Court can order mediation, ENE arbitration, or other ADR processes, but only if parties consent. See <a href="#"><u>L.R. 16.5.</u></a>	Magistrate Judges serve as neutrals. See <a href="#"><u>L.R. 16.5.</u></a>		All parties must attend mediated settlement conferences with their lead counsel. See <a href="#"><u>L.R. 16.5.</u></a>		Communications (1) made to a neutral during ADR process, and (2) expressly identified as being confidential, are confidential and must not be disclosed without consent. See <a href="#"><u>L.R. 16.5.</u></a>
<b>MOE</b> <b>Missouri</b> <b>Eastern</b>	The Court may refer cases to mediation or ENE <i>sua sponte</i> . The Court may refer cases to other ADR processes only with parties' consent. See <a href="#"><u>L.R. 16-6.01.</u></a>	Parties select a neutral from court's list. The clerk selects the neutral if the parties cannot agree. See <a href="#"><u>L.R. 16-6.03.</u></a>	Unless otherwise agreed, the parties shall equally split the cost of the neutral's services. If a party lacks the ability to pay, the party may file a motion asking the court to appoint a neutral who will serve pro bono. See <a href="#"><u>L.R. 16-6.03.</u></a>	Parties and lead counsel must attend. If parties and neutral agree, attendance by video satisfies the requirement. See <a href="#"><u>L.R. 16-6.02.</u></a>	The Court may impose sanctions for the willful or negligent failure to attend any ADR conference, substantially comply with the order referring the case to ADR, or participate in the process in good faith. See <a href="#"><u>L.R. 16-6.05.</u></a>	ADR proceedings are confidential; no communications made to the neutral are to be disclosed. See <a href="#"><u>L.R. 16-6.04.</u></a>

District	How Voluntary is the ADR Process?	Provider of Mediation Services	Payments for Neutrals	Attendance Requirement	Sanctions Available	Confidentiality
<a href="#"><u>MOW Missouri Western</u></a>	Mediation is mandatory, with limited procedure for opting-out upon good cause showing. Other forms of ADR may be ordered by the Program Director. <i>See</i> <a href="#"><u>General Order W.D. Mo. Mediation and Assessment Program.</u></a>	Party-compensated panel of outside mediators.	Outside mediators are compensated at “no more than [the] hourly rate listed by them in their application filed with the Director and shown on the List of Mediators.” With a written agreement, other arrangements may be made.	Parties and lead counsel must attend all mediations or ADR sessions. <i>See</i> <a href="#"><u>General Order W.D. Mo. Mediation and Assessment Program.</u></a>	The Court may impose sanctions for the failure to make a good faith effort to participate in the program. <i>See</i> <a href="#"><u>General Order W.D. Mo. Mediation and Assessment Program.</u></a>	All written and oral communications made in connection with ADR sessions are treated as confidential and shall not be disclosed. <i>See</i> <a href="#"><u>General Order W.D. Mo. Mediation and Assessment Program.</u></a>
<b>MSN Mississippi Northern and Southern</b>	An ADR process must be used unless exempted by rule or at the discretion of the Court. <i>See</i> <a href="#"><u>L.R. 83.7.</u></a>	Court-appointed panel or non-panel mediators. <i>See</i> <a href="#"><u>L.R. 83.7.</u></a>		Parties, lead counsel, and local counsel if lead is admitted <i>pro hac vice</i> , must all attend mediation or settlement conferences. <i>See</i> <a href="#"><u>L.R. 83.7.</u></a>	Sanctions may be imposed for failure to appear or failure to participate in good faith. <i>See</i> <a href="#"><u>L.R. 83.7.</u></a>	All communications made in connection with mediation or settlement conference are confidential. There are some limited exceptions to this rule. <i>See</i> <a href="#"><u>L.R. 83.7.</u></a>
<b>MT Montana</b>	Court may order the parties to participate in mediation or ENE, either <i>sua sponte</i> , or on motion of the parties. <i>See</i> <a href="#"><u>L.R. 16.5.</u></a>	The presiding judge selects a mediator or other neutral from a list kept by the Clerk. <i>See</i> <a href="#"><u>L.R. 16.5.</u></a>		A party with settlement authority must attend and participate in any ADR procedure. <i>See</i> <a href="#"><u>L.R. 16.5.</u></a>	Sanctions may be imposed for the failure to participate in good faith. <i>See</i> <a href="#"><u>L.R. 16.5.</u></a>	All settlement proceedings are confidential. All participants must preserve the confidentiality of all communications made in the course of ADR procedures. <i>See</i> <a href="#"><u>L.R. 16.5.</u></a>
<b>NE Nebraska</b>	Generally, mediation is voluntary, but the Court may order mediation. <i>See</i> <a href="#"><u>Mediation Plan.</u></a>	The Court maintains a list of attorneys who serve as private mediators. <i>See</i> <a href="#"><u>Mediation Plan.</u></a>	The parties are expected to share equally in the fees of the mediator, unless otherwise agreed. <i>See</i> <a href="#"><u>Mediation Plan.</u></a>	Each party, their authorized representative, and counsel must attend mediation. <i>See</i> <a href="#"><u>Mediation Plan.</u></a>	The Court may impose sanctions for the failure to attend mediation. <i>See</i> <a href="#"><u>Mediation Plan.</u></a>	Mediation sessions constitute settlement negotiations. All statements made only during the course of mediation are confidential and inadmissible for any reason. <i>See</i> <a href="#"><u>Mediation Plan.</u></a>

<b>District</b>	<b>How Voluntary is the ADR Process?</b>	<b>Provider of Mediation Services</b>	<b>Payments for Neutrals</b>	<b>Attendance Requirement</b>	<b>Sanctions Available</b>	<b>Confidentiality</b>
<b>NV Nevada</b>	Certain actions are subject to mandatory ENE. Additionally, the Court has discretion to order ADR. <i>See</i> <a href="#">L.R. 16.5</a> .	Magistrate judges provide ENE. <i>See</i> <a href="#">L.R. 16.5</a> .		Parties with authority to settle and counsel must attend ENE sessions. <i>See</i> <a href="#">L.R. 16.5</a> .		Evaluation statements prepared for ENE sessions are confidential. <i>See</i> <a href="#">L.R. 16.5</a> .
<b>NH New Hampshire</b>	ADR is generally, voluntary, but the Court may refer a case to mediation at any time. <i>See</i> <a href="#">L.R. 53.1</a> .	The parties may either select a judicial officer or a party from the court's mediation panel. <i>See</i> <a href="#">L.R. 53.1</a> .	Panel mediators are compensated at their hourly rate (see the court's website). The cost is shared equally between the parties. <i>See</i> <a href="#">Guidelines for Mediation Program</a> .	Each party and their attorney must attend mediation sessions. <i>See</i> <a href="#">Guidelines for Mediation Program</a> .		Neither mediation statements nor communications of any kind from mediations shall be considered admissions or deemed admissible at trial. <i>See</i> <a href="#">Guidelines for Mediation Program</a> .
<b>NJ New Jersey</b>	The Court may refer cases to mediation, with or without consent. Arbitration is mandatory for certain classes of cases. <i>See</i> <a href="#">L.R. s 201.1, 301.1</a> .	Panel mediators, private mediators and court-paid arbitrators. <i>See</i> <a href="#">L.R. s 201.1, 301.1</a> .	Panel mediators are paid \$300 an hour. Fees are split equally by the parties. Other arrangements may be made for private mediators. <i>See</i> <a href="#">L.R. s 201.1, 301.1</a> .	Parties and counsel must attend mediation and arbitration sessions. <i>See</i> <a href="#">L.R. s 201.1, 301.1</a> .	The Court may impose sanctions for failing to attend or failing to participate "in a meaningful manner." <i>See</i> <a href="#">L.R. s 201.1, 301.1</a> .	All information presented to the mediator shall be deemed confidential. No statements made or documents prepared for mediation shall be disclosed in any subsequent proceeding or construed as an admission. <i>See</i> <a href="#">L.R. s 201.1, 301.1</a> .
<b>NM New Mexico</b>	Settlement conferences are mandatory in every civil case (with a few exceptions). <i>See</i> <a href="#">L.R. 16.2</a> .	Judicial officers. <i>See</i> <a href="#">L.R. 16.2</a> .		The lead attorney and party with final settlement authority must attend. <i>See</i> <a href="#">L.R. 16.2</a> .		Statements made by a party during the conference that are identified as confidential must be treated as such. The Judge who conducts the conference may not reveal information to the trial Judge about the offers made or statements made, other than whether or not the case settled. <i>See</i> <a href="#">L.R. 16.2</a> .

<b>District</b>	<b>How Voluntary is the ADR Process?</b>	<b>Provider of Mediation Services</b>	<b>Payments for Neutrals</b>	<b>Attendance Requirement</b>	<b>Sanctions Available</b>	<b>Confidentiality</b>
<b>NYE</b> <b>New York</b> <b>Eastern</b>	Judicial officers may designate cases for inclusion in the mediation program, with or without the parties' consent. There is mandatory arbitration in cases worth less than \$150,000. <i>See</i> <a href="#">L.R. s 83.8 and 83.7</a> .	Parties may opt to use a mediator from the Court's panel, a private mediator, or a court-paid arbitrator. <i>See</i> <a href="#">L.R. s 83.8 and 83.7</a> .	Mediators receive \$600 for the first four hours or less of the mediation. After the first four hours, they are compensated at \$250 per hour. The fees are shared equally by the parties. <i>See</i> <a href="#">L.R. s 83.8 and 83.7</a> .	Parties and lead counsel must attend the first mediation session; thereafter, party attendance is voluntary, unless ordered. <i>See</i> <a href="#">L.R. 83.8</a> .	The failure to participate in the arbitration process in a meaningful manner may result in sanctions. <i>See</i> <a href="#">L.R. 83.7</a> .	All communications made in connection with mediation are confidential. The parties are asked to sign an agreement of confidentiality before the beginning of the first mediation session. <i>See</i> <a href="#">L.R. 83.8</a> .
<b>NYN</b> <b>New York</b> <b>Northern</b>	Parties may consent to non-binding arbitration; court may order mediation or ENE, but the parties may opt-out. <i>See</i> <a href="#">L.R. s 83.11-3 and 83.12-3</a> .	The Court maintains panels of mediators, early neutral evaluators, and arbitrators who are eligible and qualified. <i>See</i> <a href="#">L.R. s 83.7-4, 83.11-3 and 83.12-3</a> .	Arbitrators are compensated by the Court. Mediators and evaluators "may be compensated by the parties" or perform their services pro bono. <i>See</i> <a href="#">L.R. s 83.7-4, 83.11-3 and 83.12-3</a> .	Parties and lead counsel must attend ADR. <i>See</i> <a href="#">L.R. s 83.11-5 and 83.12-6</a> .	Failure to attend or otherwise participate in good faith may result in sanctions. <i>See</i> <a href="#">L.R. s 83.11-5 and 83.12-6</a> .	Mediation and ENE are regarded as settlement procedures and are confidential and private. No records are made and all communications made in connection with or during sessions are confidential. <i>See</i> <a href="#">L.R. s 83.11-5 and 83.12-6</a> .
<b>NYS</b> <b>New York</b> <b>Southern</b>	Certain categories of cases are automatically submitted to mediation. The Court may also order mediation with or without party consent. <i>See</i> <a href="#">L.R. 83.9</a> .	The Court maintains a panel of volunteer mediators. <i>See</i> <a href="#">Procedures of Mediation Program</a> .	Court panel mediators serve without compensation. <i>See</i> <a href="#">Procedures of Mediation Program</a> .	Parties and lead counsel must attend. <i>See</i> <a href="#">Procedures of Mediation Program</a> .		Communications made during the mediation process are confidential. Parties may not disclose discussions with the mediator unless all parties agree, required by law, or relevant to a complaint against the mediator.
<b>NYW</b> <b>New York</b> <b>Western</b>	All civil cases are automatically referred to mediation, unless expressly exempt from the mediation program or the Court grants a party's motion to opt out of ADR. <i>See</i> <a href="#">ADR Plan 2.1</a> .	The Court maintains a panel of qualified neutrals. Parties may also select private neutrals. <i>See</i> <a href="#">ADR Plan 3.1</a> .	Mediators are paid \$150 per hour for the first two hours. They are paid no more than \$150 per hour. Fees are divided equally among parties, unless otherwise agreed or ordered by the Court. <i>See</i> <a href="#">ADR Plan 5.3</a> .	All named parties and counsel of record are required to attend. <i>See</i> <a href="#">ADR Plan 5.8</a> .	The Court may impose sanctions for failure to attend or otherwise participate in good faith. <i>See</i> <a href="#">ADR Plan 5.8</a> .	All communications made in connection with ADR proceedings are confidential. <i>See</i> <a href="#">ADR Plan 5.10</a> .



District	How Voluntary is the ADR Process?	Provider of Mediation Services	Payments for Neutrals	Attendance Requirement	Sanctions Available	Confidentiality
<a href="#">NCE North Carolina Eastern</a>	Several classes of civil cases are automatically selected for ADR. Cases may also be referred to mediation when the parties stipulate to mediation or the Court orders mediation in its discretion. <i>See</i> <a href="#">Local ADR Rules</a> 101.1a.	The Court maintains a list of court-certified mediators. Party compensated private mediator; district or magistrate judge for mini-trials. <i>See</i> <a href="#">Local ADR Rules</a> 101.1b.	Court-certified mediators are compensated and reimbursed at terms agreed upon by the parties. Costs are split equally by the parties. <i>See</i> <a href="#">Local ADR Rules</a> 101.1b.	Individual parties, the attorney of record and insurance representatives (if applicable) must attend mediation. <i>See</i> <a href="#">Local ADR Rules</a> 101.1d.	The Court may impose sanctions for the failure to attend mediation or for misconduct during or in connection with mediation. <i>See</i> <a href="#">Local ADR Rules</a> 101.1d.	Evidence of statements made and conduct occurring during mediation is not discoverable and shall be inadmissible in any proceeding in the action or other civil actions on the same claim (with limited exceptions). <i>See</i> <a href="#">Local ADR Rules</a> 101.1d(j). No evidence that is otherwise discoverable shall be inadmissible merely because it was presented or discussed in a mediated settlement conference. <i>Id.</i> Mediators shall not be compelled to testify or produce evidence regarding confidential mediation communications. <i>Id.</i> Mediation position papers are confidential. <i>See</i> <a href="#">Local ADR Rules</a> 101.1d(c).
<b>NCM North Carolina Middle</b>	Certain classes of cases are automatically referred to mediation; otherwise the Court may order ADR. <i>See</i> <a href="#">L.R. 16.4</a> .	The parties are encouraged to select a mediator from the court-certified panel mediator or a private mediator. <i>See</i> <a href="#">L.R. 83.9d</a> .	Hourly rates are set by the Court, unless the parties agree to the mediator. Fees are to be paid in equal shares. <i>See</i> <a href="#">L.R. 83.9c</a> .	Parties, their counsel and representatives of insurance carriers must attend. <i>See</i> <a href="#">L.R. 83.9e</a> .	The Court may impose sanctions for failing to appear at mediation. <i>See</i> <a href="#">L.R. 83.9e</a> .	Statements and conduct during mediation are inadmissible, unless the evidence is otherwise discoverable. Mediation position papers are confidential. <i>See</i> <a href="#">L.R. 83.9e</a> .
<b>NCW North Carolina Western</b>	All parties to civil actions are required to attend a “mediated settlement conference” (there are a few excepted classes of cases); the Court may order ADR in its discretion. <i>See</i> <a href="#">L.R. 16.2</a> .	The Court maintains a list of court-approved mediators. <i>See</i> <a href="#">L.R. 16.2</a> .	The mediator’s fee shall be equally shared by the parties. <i>See</i> <a href="#">N.C. Gen. A. Rule 7A-38.4</a> .	Each party must attend or be represented by someone with settlement authority (besides the attorney). <i>See</i> <a href="#">N.C. Gen. A. Rule 7A-38.4</a> .	The Court may impose sanctions for the failure to attend a mediation session or for failure to pay a share of the mediator’s fee. <i>See</i> <a href="#">N.C. Gen. A. Rule 7A-38.4</a> .	Evidence of statements made and conduct occurring during mediation is not discoverable and is inadmissible in any proceeding in the action or other civil actions on the same claim (with limited exceptions). <i>See</i> <a href="#">N.C. Gen. A. Rule 7A-38.4</a> . Mediators have judicial immunity, but may be disciplined. <i>Id.</i>

District	How Voluntary is the ADR Process?	Provider of Mediation Services	Payments for Neutrals	Attendance Requirement	Sanctions Available	Confidentiality
<b>ND</b> <b>North Dakota</b>	The Court strongly encourages participation in ADR and requires that the parties in all by excepted cases discuss the use of ADR at an early stage in the process. <i>See</i> <a href="#">L.R. 16.2</a> .	Judicial officers provide court-sponsored settlement conferences and private ADR is also available. <i>See</i> <a href="#">L.R. 16.2</a> .				All written and oral communications made in connection with court-sponsored ADR process are confidential. <i>See</i> <a href="#">L.R. 16.2</a> . The settlement judge will not inform the trial judge of any positions taken by the parties during ADR and will only advise whether or not the case settled. <i>Id.</i>
<b>NMI</b> <b>Northern Mariana Islands</b>	All civil jury cases may be assigned for summary jury trials. <a href="#">L.R. 16.11CJ</a> . Parties must consider the use of mediation or settlement conferences before the completion of discovery. <i>See</i> <a href="#">L.R. 16.2CJ</a> . The Court may order ADR. <i>Id.</i>	The trial judge may conduct the summary jury trial. <i>See</i> <a href="#">L.R. 16.2CJ</a> .		Parties, representatives, and attorneys must attend summary jury trials. <i>See</i> <a href="#">L.R. 16.2CJ</a> .		At a subsequent trial, the judge shall not admit any evidence that there has been a summary jury trial, the nature or amount of any “verdict,” or any other matter concerning the conduct of the summary jury trial or related negotiations, unless the evidence would be otherwise admissible under the rules and unless the parties agree. <i>See</i> <a href="#">L.R. 16.2CJ</a> .
<a href="#">OHN</a> <a href="#">Ohio</a> <a href="#">Northern</a>	The Court may refer cases to ADR (mediation and ENE) in consultation with the parties, on motion of one party, or by stipulation of all parties. The parties may also elect to use private ADR at their own expense. <i>See</i> L.R. <a href="#">16.4</a> , <a href="#">16.5</a> , <a href="#">16.6</a> & <a href="#">16.7</a> .	Court-annexed panel of qualified and trained neutrals or private neutrals. <i>See</i> L.R. <a href="#">16.4</a> .	Court-annexed panel of neutrals may not charge more than \$275 per hour. Unless otherwise agreed, the parties should split the fees equally. <i>See</i> L.R. <a href="#">16.4</a> .	Parties (or representatives with full settlement authority) and lead counsel must attend. <i>See</i> L.R. <a href="#">16.5</a> and <a href="#">16.6</a> .	The Court may impose sanctions for the willful failure to attend mediation or ENE. <i>See</i> L.R. <a href="#">16.5</a> and <a href="#">16.6</a> .	The entire mediation and ENE processes are confidential. The parties and neutrals may not disclose information regarding the process, settlement terms, Mediation and ENE are treated as compromise negotiations for the purposes of the Rules of Evidence. <i>See</i> <a href="#">L.R. 16.6(h)</a> ; <i>see also</i> <a href="#">Ohio Uniform Mediation Act</a> .

<b>District</b>	<b>How Voluntary is the ADR Process?</b>	<b>Provider of Mediation Services</b>	<b>Payments for Neutrals</b>	<b>Attendance Requirement</b>	<b>Sanctions Available</b>	<b>Confidentiality</b>
<b>OHS Ohio Southern</b>	The Court may refer cases to mediation or settlement week conferences upon request of a party or in the Court's discretion. Parties may consider other ADR processes. <i>See</i> L.R. <a href="#">16.3</a> .	The Court maintains a roster of qualified volunteer neutrals. <i>See</i> L.R. <a href="#">16.3</a> .	Volunteer neutrals serve without compensation, unless the parties agree to compensate the neutral for work on an unusually complex or time-consuming case. <i>See</i> L.R. <a href="#">16.3</a> .	Parties and counsel must attend and participate in good faith. <i>See</i> L.R. <a href="#">16.3</a> .	The Court may impose sanctions for any breach or threatened breach of the confidentiality provisions and any refusal to attend and participate in good faith. <i>See</i> L.R. <a href="#">16.3</a> .	Confidential communications include: statements or conduct during the ADR proceeding or in the process or arranging for ADR. Evidence of conduct or statements made during ADR are inadmissible to prove liability or the invalidity of a claim. <i>See</i> L.R. <a href="#">16.3</a> .
<b>OKE Oklahoma Eastern</b>	All civil cases are automatically set for a settlement conference before a settlement judge. The Court may also order other forms of ADR in its discretion. <i>See</i> L.R. <a href="#">16.2</a> .	District Court Judges (other than the one assigned to the case), magistrate judges or "Adjunct settlement judges" (attorneys appointed by court). <i>See</i> L.R. <a href="#">16.2</a> .	Adjunct settlement judges are invited to serve without compensation. If the effort is expected to be extensive, the Court may order the parties to pay for his or her time at a reasonable rate. <i>See</i> L.R. <a href="#">16.2</a> .	Parties and lead counsel must attend settlement conference. <i>See</i> L.R. <a href="#">16.2</a> .	The Court may impose sanctions against any party who fails to appear or who acts in bad faith or who impairs settlement proceedings. <i>See</i> L.R. <a href="#">16.2</a> .	All statements and communications made in connection with settlement conference are confidential and may not be admissible under FRE 408. <i>See</i> L.R. <a href="#">16.2</a> .
<b>OKN Oklahoma Northern</b>	All civil cases are automatically set for settlement conferences. The Court may order other ADR processes. <i>See</i> L.R. <a href="#">16.2</a> .	Same as OKE – District Court Judges, magistrate judges and adjunct settlement judges. <i>See</i> L.R. <a href="#">16.2</a> .	Same as OKE – adjunct settlement judges serve without compensation unless the case requires an extensive effort. <i>See</i> L.R. <a href="#">16.2</a> .	Parties and lead counsel must attend settlement conference. <i>See</i> L.R. <a href="#">16.2</a> .	The Court may impose sanctions for failure to attend. <i>See</i> L.R. <a href="#">16.2</a> .	All statements and communications made in connection with settlement conference are confidential and may not be admissible under FRE 408. <i>See</i> L.R. <a href="#">16.2</a> .
<b>OKW Oklahoma Western</b>	The Court may order a settlement conference or mediation. The Court may order other ADR processes. <i>See</i> L.R. <a href="#">16.2</a> & <a href="#">16.3</a> .	Same as OKE – District Court Judges, magistrate judges and adjunct settlement judges. <i>See</i> L.R. <a href="#">16.2</a> .	Settlement judges serve without compensation unless the case requires an extensive effort. <i>See</i> L.R. <a href="#">16.2</a> . The parties may select any mediator that they agree upon. <i>See</i> L.R. <a href="#">16.3</a> .	The named parties and lead counsel must attend ADR. <i>See</i> L.R. <a href="#">16.2</a> & <a href="#">16.3</a> .	The Court may impose sanctions for failure to attend. <i>See</i> L.R. <a href="#">16.2</a> .	All statements and communications made in connection with settlement conference are confidential and may not be admissible under FRE 408. <i>See</i> L.R. <a href="#">16.2</a> & <a href="#">16.3</a> .

<b>District</b>	<b>How Voluntary is the ADR Process?</b>	<b>Provider of Mediation Services</b>	<b>Payments for Neutrals</b>	<b>Attendance Requirement</b>	<b>Sanctions Available</b>	<b>Confidentiality</b>
<b>OR Oregon</b>	The assigned judge may require settlement conference with another judicial officer, mediation, or other ADR process. <i>See</i> L.R. <a href="#">16.4</a> .	Judicial officer, court-panel volunteer mediator or private ADR. <i>See</i> L.R. <a href="#">16.4</a> .	Court-panel mediators conduct mediation without cost for the first four hours. The mediator and parties must agree on an hourly rate if the mediation continues beyond four hours. <i>See</i> L.R. <a href="#">16.4</a> .	Counsel and parties are required to attend mediation sessions. <i>See</i> L.R. <a href="#">16.4</a> .	The Court may impose sanctions for the failure to attend ADR. <i>See</i> L.R. <a href="#">16.4</a> .	ADR proceeding and all written or oral statements made during ADR are privileged and may not be placed into evidence. <i>See</i> L.R. <a href="#">16.4</a> .
<b>PAE Penn. Eastern</b>	The Court may refer the parties to court-sponsored ADR. In certain civil cases arbitration is mandatory. <i>See</i> L.R. <a href="#">16.4</a> . Counsel are required to confer regarding ADR. <i>Id.</i>	Judicial officers may conduct settlement conferences. ADR may also be provided by court-compensated arbitrators, the court-panel mediators or private mediators. <i>See</i> L.R. <a href="#">16.4</a> .	Court-panel mediators conduct mediation without cost for the first four hours. The mediator and parties must agree on an hourly rate if the mediation continues beyond four hours. <i>See</i> L.R. <a href="#">16.4</a> .	Counsel and parties are required to attend mediation sessions. <i>See</i> L.R. <a href="#">16.4</a> .	The Court may impose sanctions for the failure to participate in arbitration or the failure to appear for mediation. <i>See</i> L.R. <a href="#">16.4</a> .	ADR proceeding and all written or oral statements made during ADR are privileged and may not be placed into evidence. <i>See</i> L.R. <a href="#">16.4</a> .
<b>PAM Penn. Middle</b>	Judge may order ADR, provided consideration is given to any reasons why ADR would be inappropriate. <i>See</i> L.R. <a href="#">16.8.4</a> .	Court panel of volunteer mediators. <i>See</i> L.R. <a href="#">16.8.1</a> & <a href="#">16.8.2</a> .	The first 6 hours of mediation are pro bono. Afterwards, the parties and mediator can agree to terminate, continue on a pro bono basis, or agree to a fee. <i>See</i> L.R. <a href="#">16.8.3</a> .	Counsel and parties are required to attend mediation sessions. <i>See</i> L.R. <a href="#">16.8.6</a> .	The Court may impose sanctions for the failure to appear for mediation or other ADR process. <i>See</i> L.R. <a href="#">16.8.6</a> .	Mediation proceedings and communications are confidential. <i>See</i> L.R. <a href="#">16.8.6</a> .

<b>District</b>	<b>How Voluntary is the ADR Process?</b>	<b>Provider of Mediation Services</b>	<b>Payments for Neutrals</b>	<b>Attendance Requirement</b>	<b>Sanctions Available</b>	<b>Confidentiality</b>
<a href="#"><u>PAW Penn. Western</u></a>	The parties are required to discuss and, if possible, stipulate to an ADR process. If the parties are unable to agree, the Court may order the parties to use a particular ADR process. <i>See</i> L.R. <a href="#"><u>16.2</u></a> .	Court panel of qualified and trained neutrals. <i>See</i> <a href="#"><u>WDPA ADR Policies and Procedures 2.5</u></a> .	Mediators and ENE neutrals are to be paid at a reasonable hourly fee. The parties must split the fee equally. The Court may review for reasonableness. Arbitrators are paid by the Court. <i>See</i> <a href="#"><u>WDPA ADR Policies and Procedures 3.3 and 4.3</u></a> .	Counsel and parties are required to attend the ADR session. <i>See</i> <a href="#"><u>WDPA ADR Policies and Procedures 2.7</u></a> .	The Court may impose sanctions for failure to attend the ADR session. <i>See</i> <a href="#"><u>WDPA ADR Policies and Procedures 2.7</u></a> .	All communications made during and in connection with ADR process are confidential and shall not be disclosed to any other person, specifically the assigned judicial officer. Furthermore, they may not be used for any purposes in any pending or future proceeding. <i>See</i> <a href="#"><u>WDPA ADR Policies and Procedures 6</u></a> .
<b>PR Puerto Rico</b>	Cases may be selected for mediation by the Court in its discretion, by the Court on motion of one of the parties, or by stipulation of all parties. <i>See</i> <a href="#"><u>L.R. 83J</u></a> .	The court's list of mediators includes: judges, retired judges, and attorneys who possess the necessary qualifications. <i>See</i> <a href="#"><u>L.R. 83J</u></a> .	Mediators must be compensated at a reasonable rate. The fee will be equally shared by the parties. <i>See</i> <a href="#"><u>L.R. 83J</u></a> .	Counsel and parties are required to attend. <i>See</i> <a href="#"><u>L.R. 83J</u></a> .	The Court may impose sanctions for the failure to participate in good faith. <i>See</i> <a href="#"><u>L.R. 83J</u></a> .	Mediation proceedings and all written and oral communications made in connection with or during any mediation are confidential. <i>See</i> <a href="#"><u>L.R. 83J</u></a> .
<a href="#"><u>RI Rhode Island</u></a>	All cases are eligible for referral to ADR. If the parties do not agree to voluntary ADR, they are referred to a settlement conference with a magistrate judge. <i>See</i> <a href="#"><u>R.I. ADR Plan</u></a> .	Party compensated court panel of neutrals; Magistrate Judges for settlement conferences. <i>See</i> <a href="#"><u>R.I. ADR Plan</u></a> .	Magistrates serve without compensation. Other neutrals provide free service for the first hour and thereafter may charge no more than \$200/hr. <i>See</i> <a href="#"><u>R.I. ADR Plan</u></a> .	Counsel of record and parties are required to attend. <i>See</i> <a href="#"><u>R.I. ADR Plan</u></a> .	The failure to meet obligations under the ADR rules may lead to disciplinary action. <i>See</i> <a href="#"><u>R.I. ADR Plan</u></a> .	The parties and ADR provider shall not disclose information regarding the ADR process. The ADR process is treated as a compromise negotiation for the purpose of the Federal Rules of Evidence. <i>See</i> <a href="#"><u>R.I. ADR Plan</u></a> .
<b>SC South Carolina</b>	All civil cases are presumptively referred to mediation; however parties may decline. <i>See</i> <a href="#"><u>L.R. 16.03-16.05</u></a> .	Mediators are either court-certified or private qualified mediators. <i>See</i> <a href="#"><u>L.R. 16.06</u></a> .	If the parties stipulate to the mediator, they shall agree upon the compensation. If the Court selects the mediator, the parties or the Court shall set the hourly fee. The fee shall be shared equally. <i>See</i> <a href="#"><u>L.R. 16.11</u></a> .	All parties and counsel of record shall attend the mediation session. <i>See</i> <a href="#"><u>L.R. 16.08</u></a> .	The Court shall impose sanctions for the failure to attend the mediation conference without good cause. <i>See</i> <a href="#"><u>L.R. 16.09</u></a> .	Communications during the mediation conferences are confidential. Any event, document or communication arising in mediation shall not be introduced as evidence in any proceeding. <i>See</i> <a href="#"><u>L.R. 16.08</u></a> .

<b>District</b>	<b>How Voluntary is the ADR Process?</b>	<b>Provider of Mediation Services</b>	<b>Payments for Neutrals</b>	<b>Attendance Requirement</b>	<b>Sanctions Available</b>	<b>Confidentiality</b>
<b>SD South Dakota</b>	Voluntary. The parties are encouraged to use ADR procedures. <i>See</i> <a href="#">L.R. 53.1</a> .	Magistrate Judges. <i>See</i> <a href="#">L.R. 53.1</a> .				
<b>TNE Tennessee Eastern</b>	Court may refer cases to mediation without party consent; Court may refer to arbitration only with party consent. <i>See</i> <a href="#">L.R. 16.3 &amp; 16.4</a> .	The Court maintains a panel of eligible and qualified mediators. <i>See</i> <a href="#">L.R. 16.4</a> .	The parties shall agree on the mediators' compensation. The parties are to split the fees equally unless otherwise agreed to. <i>See</i> <a href="#">L.R. 16.4</a> .	All parties, representatives, and counsel are required to attend the mediation. <i>See</i> <a href="#">L.R. 16.4</a> .	The Court may impose sanctions for the failure to comply with the attendance or the settlement authority requirement. <i>See</i> <a href="#">L.R. 16.4</a> .	The mediation conference and all related proceedings and statements are confidential and inadmissible to the same extent as discussions of compromise or settlement. <i>See</i> <a href="#">L.R. 16.4</a> .
<b>TNM Tennessee Middle</b>	The Court may refer cases to ADR upon the parties' motion or upon its own initiative. <i>See</i> <a href="#">L.R. 16.02</a> .	The Court maintains a list of qualified ADR providers; parties may use private mediators with Court approval; and Judicial officers conduct settlement conferences. <i>See</i> <a href="#">L.R. 16.03; 16.04</a> .	Mediators are compensated at rates agreed upon by the parties and the ADR panel member or as set by Court. <i>See</i> <a href="#">L.R. 16.03</a> .	Counsel and parties are required to attend settlement conferences, mediation and other forms of ADR. <i>See</i> <a href="#">L.R. 16.03-16.07</a> .	The Court may impose sanctions for the failure to comply with the ADR rules. <i>See</i> <a href="#">L.R. 16.02</a> .	All ADR proceedings under the ADR rules are deemed confidential and inadmissible as evidence to the same extent as discussions of compromise or settlement. <i>See</i> <a href="#">L.R. 16.08</a> .
<b><a href="#">TNW Tennessee Western</a></b>	All civil cases are automatically referred to ADR, although there is a procedure for opting out of ADR. <i>See</i> <a href="#">Plan for ADR in W.D. Tn. 2.1</a> .	The Court maintains a panel of qualified neutrals. The parties may also select a private neutral, unless the Court objects. <i>See</i> <a href="#">Plan for ADR in W.D. Tn. 3.1</a> .	Mediators from the Court's panel shall receive \$250/hour for the first two hours of mediation and up to two hours of preparation time. Thereafter, mediators and the parties shall agree to a reasonable fee and the parties shall equally share the fee. <i>See</i> <a href="#">Plan for ADR in W.D. Tn. 5.3</a> .	All named parties and their counsel and are required to attend. <i>See</i> <a href="#">Plan for ADR in W.D. Tn. 5.8</a> .	The Court may impose sanctions for the failure to attend an ADR conference or otherwise substantially fail to comply with the ADR referral order. <i>See</i> <a href="#">Plan for ADR in W.D. Tn. 2.3</a> .	All written and oral communications made during mediation are confidential and private. No participant in the process or any portion thereof may communicate confidential information acquired during mediation without consent. There shall be no communications between the assigned judge and the mediator or magistrate judge regarding the case referred for mediation. <i>See</i> <a href="#">Plan for ADR in W.D. Tn. 5.10</a> .

<b>District</b>	<b>How Voluntary is the ADR Process?</b>	<b>Provider of Mediation Services</b>	<b>Payments for Neutrals</b>	<b>Attendance Requirement</b>	<b>Sanctions Available</b>	<b>Confidentiality</b>
<b>TXE</b> <b>Texas</b> <b>Eastern</b>	The Court may refer any civil case to mediation, whether or not the parties have agreed to use mediation. <i>See</i> <a href="#">Mediation Plan part VI.</a>	Mediators are either appointed by the Court or selected by the parties. <i>See</i> <a href="#">Mediation Plan part III.</a>	Mediators shall be compensated at a reasonable rate. The parties must divide the fees equally unless the parties otherwise agree. <i>See</i> <a href="#">Mediation Plan part V.</a>	All parties must attend mediation. <i>See</i> <a href="#">Mediation Plan part VII.</a>		All mediation communications and proceedings privileged and confidential. <i>See</i> <a href="#">Mediation Plan part VIII.</a>
<b>TXN</b> <b>Texas</b> <b>Northern</b>	The Court may refer the parties to ADR upon stipulation of the parties, upon motion of one party, or <i>sua sponte</i> . <i>See</i> <a href="#">Court's ADR Plan.</a>	Private mediators and judges conduct settlement conferences. <i>See</i> <a href="#">Court's ADR Plan.</a>	Parties share costs. <i>See</i> <a href="#">Court's ADR Plan.</a>			
<b>TXS</b> <b>Texas</b> <b>Southern</b>  <b>LR 16.4</b>	The Court may refer the parties to ADR upon stipulation of the parties, upon motion of one party, or <i>sua sponte</i> . <i>See</i> <a href="#">L.R. 16.4.C.</a>	The Court maintains a panel of qualified ADR providers. <i>See</i> <a href="#">L.R. 16.4.E.</a>	ADR providers and the parties will agree to a reasonable fee for the ADR proceeding. The Court may review for reasonableness. <i>See</i> <a href="#">L.R. 16.4.G.</a>	Counsel and parties or representatives with settlement authority are required to attend. <i>See</i> <a href="#">L.R. 16.4.F.</a>	Sanctions are available for the violation of any ADR rules. <i>See</i> <a href="#">L.R. 16.4.M.</a>	All communications made during ADR proceedings are confidential. <i>See</i> <a href="#">L.R. 16.4.I.</a>
<b>TXW</b> <b>Texas</b> <b>Western</b> <b>LR 88</b>	The Court may refer the parties to ADR upon stipulation of the parties, upon motion of one party, or <i>sua sponte</i> . <i>See</i> <a href="#">L.R. 88.</a>	Court-approved mediators and private ADR providers. <i>See</i> <a href="#">L.R. 88</a> ; <a href="#">Mediators.</a>	ADR providers and the parties will agree to a reasonable fee for the ADR proceeding. The Court may review for reasonableness. <i>See</i> <a href="#">L.R. 88.</a>	Counsel and parties or representatives with settlement authority are required to attend. <i>See</i> <a href="#">L.R. 88.</a>	Sanctions are available for any violation of ADR rules. <i>See</i> <a href="#">L.R. 88.</a>	All communications made during ADR procedures are confidential. <i>See</i> <a href="#">L.R. 88.</a>
<b>UT</b> <b>Utah</b>	The Court may refer the parties to ADR upon stipulation of the parties, upon motion of one party, or <i>sua sponte</i> . <i>See</i> <a href="#">L.R. 16-2.</a>	The Court maintains a list of panel mediators. <i>See</i> <a href="#">ADR Plan.</a>	Court-appointed mediators are compensated at a rate set by the Court. <i>See</i> <a href="#">ADR Plan.</a>	Counsel and all parties are required to attend. <i>See</i> <a href="#">ADR Plan.</a>	The Court may impose sanctions for the failure to follow the ADR rules or plan. <i>See</i> <a href="#">L.R. 16-2.</a>	ADR proceedings and communications are confidential. <i>See</i> <a href="#">ADR Plan</a> ; <a href="#">L.R. 16-2.</a>

<b>District</b>	<b>How Voluntary is the ADR Process?</b>	<b>Provider of Mediation Services</b>	<b>Payments for Neutrals</b>	<b>Attendance Requirement</b>	<b>Sanctions Available</b>	<b>Confidentiality</b>
<b>VT Vermont</b>	All civil cases, except those specifically exempted are referred to ENE. <i>See</i> <a href="#">L.R. 16.1</a> .	The Court maintains a roster of qualified neutrals, but the parties may also select their own neutral. <i>See</i> <a href="#">L.R. 16.1</a> .	Court neutrals are paid \$500 per case and the parties share in the fee equally. However, if significantly more time is required, the parties and neutral must agree upon any additional compensation. <i>See</i> <a href="#">L.R. 16.1</a> .	Each party and their lead trial counsel must attend. <i>See</i> <a href="#">L.R. 16.1</a> .		All communications made in connection with the ENE process are confidential. <i>See</i> <a href="#">L.R. 16.1</a> .
<b>VI Virgin Islands</b>	Court may order a case to mediation. <i>See</i> <a href="#">L.R. 3.2</a> .	The Court maintains a panel of qualified mediators. <i>See</i> <a href="#">L.R. 3.2</a> .	Mediators are compensated by the parties and the costs are borne equally. The Court may assess the reasonableness of the fees. <i>See</i> <a href="#">L.R. 3.2</a> .	The parties and counsel must attend. <i>See</i> <a href="#">L.R. 3.2</a> .	The Court may impose sanctions for the failure to appear or otherwise fail to participate in good faith. <i>See</i> <a href="#">L.R. 3.2</a> .	All written or oral communications made during the mediation process shall be inadmissible in any proceeding. <i>See</i> <a href="#">L.R. 3.2</a> .
<b>VAE Virginia Eastern</b>	Parties must consent to ADR. <i>See</i> <a href="#">L.R. 83.6</a> .	Judicial officer or private neutral. <i>See</i> <a href="#">L.R. 83.6</a> .	The parties may select and compensate any mutually acceptable non-judicial mediator or neutral. No mediator or neutral may be compensated by contingent fee. <i>See</i> <a href="#">L.R. 83.6</a> .	A judicial officer may require attendance by counsel and/or parties at settlement conferences. <i>See</i> <a href="#">L.R. 83.6</a> .		Substance of communications in mediation process shall not be disclosed. However, the use of otherwise admissible evidence shall not preclude its admissibility in the proceedings. <i>See</i> <a href="#">L.R. 83.6</a> .
<b>VAW Virginia Western</b>	ADR is not ordered in every case, but the Court may order ADR. <i>See</i> <a href="#">L.R. 83</a> .	Private neutrals or judicial officers. <i>See</i> <a href="#">L.R. 83</a> .				Communications provided during any ADR process are confidential. <i>See</i> <a href="#">L.R. 83</a> .
<b><a href="#">WAE Wash. Eastern</a></b>	The Court may refer a case to mediation in its sole discretion. <i>See</i> <a href="#">L.R. 16.2</a> .	Judicial officer and panel of qualified neutrals serve as mediators. <i>See</i> <a href="#">L.R. 16.2</a> .	Attorney-neutrals serve without compensation. <i>See</i> <a href="#">L.R. 16.2</a> .	Parties and representatives with settlement authority must attend. <i>See</i> <a href="#">L.R. 16.2</a> .	The Court may impose sanctions for the failure to attend. <i>See</i> <a href="#">L.R. 16.2</a> .	



District	How Voluntary is the ADR Process?	Provider of Mediation Services	Payments for Neutrals	Attendance Requirement	Sanctions Available	Confidentiality
<b>WAW</b> Wash. Western	Participation in ADR is voluntary unless the Court orders it. <i>See</i> <a href="#">L.R. 39.1</a> .	The Court maintains a roster of attorney neutrals. <i>See</i> <a href="#">L.R. 39.1</a> .	Parties may request or court may order that mediator serve without charge. <i>See</i> <a href="#">L.R. 39.1</a> .	Each party, representatives with settlement authority and attorneys must attend. <i>See</i> <a href="#">L.R. 39.1</a> .	The Court may impose sanctions for the failure to attend, participate in good faith, or for otherwise failing to comply with the rules. <i>See</i> <a href="#">L.R. 39.1</a> .	All ADR proceedings are confidential. <i>See</i> <a href="#">L.R. 39.1</a> .
<b>WVN</b> West Virginia Northern	Court may order mediation <i>sua sponte</i> or at the request of the parties. <i>See</i> <a href="#">L.R. 16.06</a> .	Judicial officers or private neutrals. <i>See</i> <a href="#">L.R. 16.06</a> .	The parties are expected to agree upon the amount of the mediator's fee, and the responsibility for payment. If the parties cannot agree, the Court shall set the amount of the mediator's fee, and assign responsibility for payment. <i>See</i> <a href="#">L.R. 16.06</a> .	Each party and their lead trial counsel must attend mediation session. <i>See</i> <a href="#">L.R. 16.06</a> .		All communications made in connection with the mediation conference are confidential. <i>See</i> <a href="#">L.R. 16.06</a> .
<b>WVS</b> West Virginia Southern	ADR may be court-ordered <i>sua sponte</i> , court-ordered at the request of the parties, or voluntary and outside the auspices of the Court. <i>See</i> <a href="#">L.R. 16.6</a> .	Judicial officer or mediator selected by the parties, or selected by the Court, if the parties cannot agree. <i>See</i> <a href="#">L.R. 16.6.2</a> .	The parties are expected to agree upon the amount of the mediator's fee, and the responsibility for payment. If the parties cannot agree, the Court shall set the amount of the mediator's fee, and assign responsibility for payment. <i>See</i> <a href="#">L.R. 16.6.2</a> .	Each party, their lead trial counsel, and anyone else with knowledge of the facts and full settlement authority must attend mediation. <i>See</i> <a href="#">L.R. 16.6.4</a> .		Mediation statements submitted in writing and oral statements made during the mediation are confidential. <i>See</i> <a href="#">L.R. 16.6.2</a> .

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<b>WIE</b> <b>Wisconsin</b> <b>Eastern</b>	ADR is generally voluntary. Judicial officers may encourage parties to participate in ADR before a magistrate judge or an appropriate neutral evaluator. In some cases, judicial officers may order parties to engage in an ENE conference. <i>See</i> <a href="#">L.R. 16(d)</a> .	Magistrate judge or appropriate neutral evaluator. <i>See</i> <a href="#">L.R. 16(d)</a> .	Neutral evaluators volunteer preparation time and the first four hours of ENE sessions. If ENE continues, neutrals may either continue to volunteer or charge the parties 60% of the standard hourly rate. After eight hours, the neutral may charge his or her standard rate or such other rate that is acceptable to the neutral and all parties. <i>See</i> <a href="#">L.R. 16(d)</a> .			All written and oral communications made in connection with or during any ADR session are confidential. Except to the extent otherwise stipulated or ordered, the disclosure of any written or oral communication made by any party, counsel, or other participant in connection with or during any ADR session is prohibited. ADR proceedings are treated as compromise negotiations for purposes of the Federal Rules of Evidence and state rules of evidence. <i>See</i> <a href="#">L.R. 16(d)</a> .
<b>WIW</b> <b>Wisconsin</b> <b>Western</b>	Litigants are required to consider the use of ADR within thirty days of the defendants' appearance. <i>See</i> <a href="#">Rule 3 (L.R. 16.6)</a> .	ADR is either provided by a court staff neutral or private neutrals. <i>See</i> <a href="#">Rule 3 (L.R. 16.6)</a> .	Court-provided staff neutral or private neutral. <i>See</i> <a href="#">Rule 3 (L.R. 16.6)</a> .			ADR proceedings are confidential. Thus, any disclosure of confidential dispute resolution communications is prohibited. <i>See</i> <a href="#">Rule 3 (L.R. 16.6)</a> .
<a href="#">WY</a> <b>Wyoming</b>	Voluntary and mandatory. The Court urges the parties to consider voluntary ADR, but the Court may also order parties to use non-binding ADR procedures. <i>See</i> <a href="#">L.R. 16.3(a) &amp; (b)</a> .	Judicial officer or private neutral. <i>See</i> <a href="#">L.R. 16.3(a)</a> .		Parties with settlement authority (or other representative) and the lead attorneys must attend. <i>See</i> <a href="#">L.R. 16.3(c)</a>	Sanctions may be imposed for violations of the attendance requirement. <i>See</i> <a href="#">L.R. 16.3(c)</a>	All communications, representations, evidence, recordings and transcripts regarding negotiations and agreements made during a settlement conference shall be held to be strictly confidential and are not subject to disclosure, pursuant to Rule 408 of the Federal Rules of Evidence or as otherwise provided by law. <i>See</i> <a href="#">L.R. 16.3(c)</a> .