

# MAINE

July 1, 2011

## **RULE 83.11 ALTERNATIVE DISPUTE RESOLUTION (ADR)**

### **(a) In General**

Litigants are authorized and encouraged to employ, at their own expense, any available ADR process on which they can agree, including early neutral evaluation, settlement conferences, mediation, non-binding summary jury trial, corporate mini-trial, and arbitration proceedings.

### **(b) Consideration of ADR**

Litigants in civil cases shall consider the use of ADR as follows:

**(1) Standard Track Cases.** In accordance with the requirements of the scheduling order issued in all standard track cases, counsel shall consult with each other and their clients concerning all available ADR processes and shall consider all ADR options.

**(2) Complex Track Cases.** In accordance with the provisions of Local Rule 16.3(c), prior to the initial scheduling conference in all complex track cases, counsel shall consult with each other and with their clients concerning all available ADR processes and shall be prepared to fully discuss all such options with the presiding judicial officer at the initial scheduling conference.

**(3) Exempted Actions.** Exempted from the requirement are actions assigned, in accordance with Local Rule 16.1, to the Administrative Track, Toxic Tort Track, Prisoner Civil Rights Track, and the State of Maine/Pine Tree Legal Protocol Track.

### **(c) Court-Annexed ADR**

To implement section 652(a) of the Alternative Dispute Resolution Act of 1998, 28 U.S.C. §651 *et seq.*, the Court provides the following forms of ADR: the district and magistrate judges of the Court shall be available throughout the pretrial phase of all civil litigation to conduct early neutral evaluation and settlement conferences with counsel and the parties. To the extent their dockets permit, bankruptcy judges shall also be available. This court-annexed ADR is voluntary and nonbinding, unless the parties agree otherwise. The neutrals recognized under this rule for court-annexed ADR are the judicial officers of the Court. They are subject to disqualification in accordance with federal statutes such as 28 U.S.C. § 455 and the Canons of Judicial Ethics.

### **(d) Confidentiality**

All ADR processes are confidential. Thus, no disclosure shall be made to anyone, including any judicial officer not serving as a neutral in the matter, of any confidential dispute resolution communication that in any respect reveals the dispute resolution positions of the parties or advice or opinions of neutrals, and no such communication shall be admissible in any subsequent proceeding, including trial of the matter, except as the Federal Rules of Evidence may permit otherwise.