

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:)
)
ALTERNATIVE DISPUTE RESOLUTION) Misc. No. 06-203
POLICIES AND PROCEDURES)

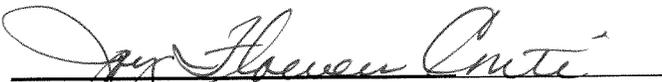
WHEREAS, pursuant to Local Rule 16.2, the Alternative Dispute Resolution (“ADR”) program is governed by the ADR Policies and Procedures, as adopted by the Board of Judges for the United States District Court for the Western District of Pennsylvania;

WHEREAS, the Court’s ADR Policies and Procedures are in support of Local Rule 16.2;
and,

WHEREAS, the Court finds that changes to the ADR Policies and Procedures are necessary and appropriate.

AND NOW, this 28th day of November, 2018, IT IS HEREBY ORDERED THAT effective January 2, 2019 Sections 3.1, 3.4(B), 3.8(A), and 4.4(B), of the ADR Policies and Procedures are amended, as set forth in the attached.

FOR THE COURT:



Chief United States District Judge

3.1 Description

Mediation is a flexible, non-binding, confidential process in which a neutral person (the mediator), selected by the parties, facilitates settlement negotiations. Generally, mediation will utilize a facilitative approach, but the mediator should be prepared to provide evaluative assessments if requested by all parties. The mediator improves communication across party lines, helps parties articulate their interests and understand those of their opponent, probes the strengths and weaknesses of each party's legal positions, identifies areas of agreement and helps generate options for a mutually agreeable resolution to the dispute. The mediator generally does not give an overall evaluation of the case. A hallmark of mediation is its capacity to expand traditional settlement discussion and broaden resolution options, often by exploring litigant needs and interests that may be formally independent of the legal issues in controversy.

3.4 Timing and Scheduling the Mediation

B. Deadline for Conducting Mediation. Unless otherwise ordered or extended by the Court for good cause shown pursuant to Section 3.5 infra, the mediation shall be held within 60 days after the initial scheduling conference (see LCvR 16.1.A.2). This is a presumptive timeline for the ADR proceeding, subject to adjustment by the Court to meet the needs of the case.-

3.8 Procedure at Mediation

A. Procedure. Presumptively tThe mediation ~~must be informal and must employ will~~ employ a facilitative method. ~~method.~~ Mediators and parties have discretion to structure the mediation so as to maximize the benefits of the process.

4.4 Timing and Scheduling the Early Neutral Evaluation (ENE)

B. Deadline for Conducting Session. Unless otherwise ordered or extended by the Court for good cause shown pursuant to Section 4.5 infra, , the ENE shall be held within 60 days after the initial scheduling conference (see LCVR 16.1.A.2). This is a presumptive timeline for the ADR proceeding, subject to adjustment by the Court to meet the needs of the case