

4.2 | SELECTING AN ADR INTERVENTION

A. New Cases. Prior to the Local Rule 16.1 scheduling conference, counsel and any unrepresented parties shall confer about ADR as part of their discussion of “the possibilities for a prompt settlement or resolution of the case” pursuant to Fed. R. Civ. P. 26(f). Unless the parties agree to a different intervention, it is presumed that they will participate in mediation. The parties shall attempt to agree upon a Neutral and, at the scheduling conference, shall be prepared to report on the outcome of their ADR discussion pursuant to Local Rule 16.1(a)(3)(F). The initial **Scheduling Order** shall include a deadline for the completion of ADR.

B. Pending Cases. In pending cases, all sua sponte referrals will be to mediation. Should the parties agree that a different ADR intervention is more appropriate to their case, they may submit a stipulation designating the specific ADR intervention selected, the time frame within which the ADR process will be completed and the identity of the Neutral. Stipulations must be filed within fifteen (15) days from the date of the ADR Referral Order and are presumed acceptable unless the assigned Judge determines that the interests of justice are not served.

*(US District Court, New York, Western District // Buffalo, NY 14202
Judy Hernandez, Staff Attorney)*

