



USNYWD'S ADR HANDBOOK
SECTION 4: APPROVED ADR PLAN INTERVENTIONS
[ALL-IN-ONE DOCUMENT]

Alternative Dispute Resolution
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ADR PLAN

US DISTRICT COURT, NEW YORK, WESTERN DISTRICT

SECTION: 4 APPROVED ADR PLAN INTERVENTIONS

AUTHOR: US DISTRICT COURT, NEW YORK, WESTERN DISTRICT

DATE: January 1, 2008

ITEMS: 4.1 through 4.4



4.1 | ADR INTERVENTIONS

A. Options. It is expected that cases referred for ADR will proceed to Mediation. However, the following options are also available upon the stipulation of all parties:

1. Neutral Evaluation;
2. Mini Summary Trial;
3. Arbitration (Binding and Non-Binding);
4. Case Valuation; and
5. Settlement Week, when scheduled by the Court.

B. Timing. Timing is specific to the intervention and process chosen, as set forth in the corresponding sections below.

C. Scheduling. The referral of a case to ADR does not delay or defer other dates established in the Scheduling Order and has no effect on the scheduled progress of the case toward trial.

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



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.

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4.3 | MULTIPLE ADR INTERVENTIONS

A. Initial Intervention. Generally, a first mediation session will be scheduled within seventy-five [75] days after the Local Rule 16.1 conference. The minimum duration for the first session is two [2] hours, but the parties are encouraged to spend additional time unless the Mediator agrees that additional time would not be productive.

B. Additional Interventions. If the initial mediation session is not successful in resolving the case, additional sessions or process will be scheduled as set forth below:

1. By the Mediator. The Mediator will, in consultation with the parties, schedule subsequent sessions as needed to explore and evaluate the possibility of reaching a mutually acceptable resolution. It is anticipated that the parties will engage in at least two mediation sessions. Additional sessions must be conducted within the date for completion of ADR set forth in the Court's **Scheduling or Referral Order**.

2. By Stipulation. If, after the initial mediation session, the parties agree that an intervention other than mediation may be of benefit in resolving the case, they must submit a stipulation consistent with 4.2(B) and the stipulation will be presumed acceptable unless the assigned Judge determines that the interests of justice are not served.

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4.4 | CONFIDENTIALITY

Each of the interventions and processes under this ADR Plan shall be confidential as set forth in the corresponding sections below.

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Judy Hernandez, Staff Attorney)*



APPENDIX



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