

6.01 | WHAT ARE THE MAJOR ADR PROCESSES?

1. Settlement Conference

In some jurisdictions, a settlement conference may be available to the parties. In a settlement conference, a judge other than the assigned judge (usually a magistrate judge), helps the parties negotiate a settlement of all or part of the dispute. Settlement conferences are generally best fit for pro se litigants because a judge who has experience working with unrepresented parties conducts the process.

2. Mediation

In mediation, a neutral third party meets with the parties to help them negotiate a mutually-satisfactory agreement resolving all or part of the dispute. The process is informal and confidential. Any decision to enter into a settlement agreement is voluntary, and the parties do not lose their right to trial if they do not reach an agreement.

3. Arbitration

In arbitration, the parties submit their dispute to an arbitrator or a panel of arbitrators for review, hearing, and adjudication in a binding decision. Arbitration is similar to litigation because both parties present arguments and evidence, including witnesses, to a neutral decision-maker.

Arbitration is an abbreviated, efficient means of resolving disputes, the outcome of which contractually has the force of a mandatory, binding determination.

4. Early Neutral Evaluation

In early neutral evaluation (ENE), a specially-trained lawyer who is an expert in the subject matter of the case gives the parties a non-binding assessment of the merits and may help with settlement discussions. The goals are to promote communication and provide a "reality check" about the claims and evidence, identify and clarify key issues in dispute, assist with discovery and information exchange and motion planning and help with settlement discussions if requested by the parties.

5. Limited Scope ADR Counsel (if available in your district)

Most cases are referred by the Court to go to ADR. In some jurisdictions, if you do not have a lawyer, you may request



that the Court appoint a lawyer to you for the limited purpose of representing you at mediation. Although the scope of this representation is limited, the lawyer can engage in settlement discussions with the other side, request additional discovery that would assist in the mediation, and meet with you to prepare for your mediation.

Please refer to local rules for more information on ADR in this court.

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