FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
DEC - 7 2015
SEAN F. MCAVOY, CLERK
DEPUTY
SPOKANE, WASHINGTON

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

In Re LOCAL RULES OF THE UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF WASHINGTON.	GENERAL ORDER NO. 15-34-2

Pursuant to the authorities granted under Federal Rules of Civil Procedure 83, the United States District Court for the Eastern District of Washington hereby amends its Local Rule (LR) 16.2, Alternative Dispute Resolution, to incorporate the language and requirements established in Exhibit 1 to this Order

The amendment takes effect December 7, 2015, and shall govern all pending matters except to the extent that, in the opinion of the Court, its application in a case pending on December 7, 2015, would not be feasible or would work an injustice, in which event the procedure set forth in the former rules shall apply.

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The Local Rules as amended by this Order of the Court shall supersede those rules promulgated on March 23, 2015.

IT IS SO ORDERED. DATED this 7th day of December 2015.

ROSANNA MALOUF PETERSON
Chief United States District Judge

LR 16.2
ALTERNATIVE DISPUTE RESOLUTION

(a) **Preliminary**

Through the passage of the "Alternative Dispute Resolution Act of 1998", 28 U.S.C. §§ 651, et seq., Congress has encouraged federal courts to review and strengthen their alternative dispute resolution (ADR) programs. Such programs may provide greater satisfaction to the parties, provide innovative methods of resolving disputes and increase efficiency in achieving settlements of civil cases. Moreover, the adoption of Congressional requirements for the priority scheduling of criminal trials have placed substantially greater pressure on litigants, counsel and the Court.

The parties in civil actions shall consider ADR (*see* FED. R. CIV. P 16(c)(2)(I)) and be prepared to discuss it at the time of the first scheduling conference with the presiding judge.

(b) **Settlement Negotiations**

The Court encourages the attorneys for all parties to the action, except nominal parties, to meet at least once and engage in a good faith attempt to negotiate a settlement of the action.

(c) **Court Annexed Program of Mediation**

In selected cases, the presiding Judge may refer matters for mediation to a magistrate judge, a district judge, or a bankruptcy judge designated by the presiding judge in his or her sole discretion. Matters referred shall be governed by the directives in the assigned judge's scheduling order or standing order regarding mediation. "Mediation" is a process whereby an impartial third party (the mediator) facilitates communication between negotiating parties attempting to reach an agreed settlement of their dispute. When appropriate the mediator may also offer an evaluation of the case and/or recommend a settlement. Whether a settlement results from mediation is within the sole control of the parties.

(d) **Participation and Preparation by Counsel**

The attorney who is primarily responsible for each party's case shall personally attend the mediation conference and any adjourned sessions of that conference. The attorney for each party shall come prepared to discuss the following matters in detail and in good faith:

(1) All liability issues;

(2) All damages issues; and
(3) The position of his/her client relative to settlement.

(e) **In Person Attendance**

Attendance by a party and its representative with full settlement authority at the mediation is mandatory, unless the mediator permits otherwise.

(f) **Failure to Attend**

Willful failure to attend the mediation conference, unless excused by the mediator, shall be reported to the presiding judge by the mediator and may result in the imposition of sanctions.

(g) **Third Party Neutrals As Mediators**

The judges of the district shall establish and maintain a register of qualified attorneys who have volunteered to serve, without compensation, as mediators in civil cases. Under appropriate circumstances, it may be necessary for the parties to provide payment at usual and customary rates as determined by the Court, for the services of an attorney designated under this rule.

The presiding judge shall select, in his or her sole discretion, those attorneys deemed appropriate to serve as a neutral under this local rule. All attorneys serving as neutrals under this local rule are deemed to be performing quasi-judicial functions and are entitled to the immunities and protections that the law accords to persons serving in such capacity.

(h) **Parties Retain Option to Pursue Settlement**

Nothing in this rule shall prohibit parties from pursuing settlement by any other means not contrary to statute or court rule.