

FILED
CLERK, U.S. DISTRICT COURT
AUG 22 2002
CENTRAL DISTRICT OF CALIFORNIA
BY *A Torres* DEPUTY

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

IN THE MATTER OF)
)
PILOT PRISONER) GENERAL ORDER 02-08
MEDIATION PROGRAM) (SUPERCEDES GENERAL
) ORDERS 99-2 AND 01-06)
)
)
_____)

1. SCOPE AND PURPOSE OF RULE

1.1 Scope. This General Order (“Order”) governs the elective referral of certain prisoner civil rights and Bivens cases by a district or magistrate judge to a neutral member of a mediation panel appointed by the Court for prisoner mediation proceedings.

1.2 Purpose. The Court finds that in this district, the substantial increase in the filings of civil rights cases by prisoners and the shortage of district and magistrate judges have placed significant pressures on litigants, counsel, and the Court. The purpose of the Pilot Prisoner Mediation Program is to alleviate some of those pressures and to encourage the fair, speedy, and economical resolution of these matters.

2. ADMINISTRATION

2.1 Appointment of the Coordinator. The Pilot Prisoner Mediation Panel shall be coordinated by a Panel Coordinator (the "Coordinator") at the direction of the Clerk of Court.

2.2 Duties of the Coordinator. The duties of the Coordinator shall be established by the Court, and shall include the following:

(a) Maintenance of the current list of panelists available to act as mediators, and regular circulation of said list to the district and magistrate judges of the Court.

(b) Periodic reporting to the Court on the status and effectiveness of the Pilot Prisoner Mediation Panel, and maintenance of records including disposition and success rates for this purpose.

(c) Performance of any additional duties as the Court may direct which are necessary for the efficient administration of the Pilot Prisoner Mediation Program.

3. ATTORNEY SETTLEMENT OFFICER QUALIFICATIONS AND SELECTION

3.1 Appointment of Mediators. Attorneys who meet the qualifications and complete the application process as outlined in General Order 01-04 may be

appointed by the Court to the Pilot Prisoner Mediation Panel. The Court may, in its sole discretion, remove any person from the Panel who is unable to commit sufficient time to or otherwise meet the requirements of the Pilot Prisoner Mediation Program.

3.2 Compensation. Acceptance of a mediator position is voluntary, and no compensation will be paid to attorneys acting as mediators. Telephone and copying costs and related expenses up to \$75.00 per case will be reimbursed by the Court upon submission of an expense report and supporting documentation forwarded and approved by the Coordinator.

4. REFERRAL OF CASES TO THE PILOT PRISONER MEDIATION PROGRAM

4.1 Referral to the Pilot Prisoner Mediation Program. After the first appearance by the defendant, all parties will be mailed a "Request for Referral to the Pilot Prisoner Mediation Panel" in the form attached hereto as Exhibit "A." If the plaintiff or defendant returns a request to the Court for consideration, the request will be reviewed by the district or magistrate judge assigned to the case and the judge may or may not refer the case to the Pilot Prisoner Mediation Panel. This request will be reviewed only by the district or magistrate judge assigned to the case for the purpose of determining whether this matter is suitable for the Pilot

Prisoner Mediation Panel. All requests will remain confidential. A case may also be referred to the Pilot Prisoner Mediation Panel on the Court's own motion.

4.2 Selection of Mediator. If the judge determines to refer the case to the Pilot Prisoner Mediation Panel, the judge will issue a minute order to that effect and send a copy of the minute order to the Coordinator for selection of a mediator. The Coordinator shall randomly assign a mediator. The Coordinator will contact the mediator to determine his or her availability. If unavailable, the Coordinator will randomly assign another mediator until an available mediator is identified.

4.3 Effect of Referral. Unless otherwise ordered, a referral to the Pilot Prisoner Mediation Program shall not interfere with any party's right to discovery, alter scheduled pre-trial or trial dates, or otherwise affect the operation of the Federal Rules of Civil Procedure or any other rule of this Court.

4.4 Immunity. Attorney Settlement Officers are performing quasi-judicial functions and are entitled to the immunities and protections that the law accords to persons serving in such capacity.

5. ASSIGNMENT OF CASE TO MEDIATOR

Upon obtaining the consent of a panel member to mediate the case, the Coordinator will complete a "Notice of Assignment of Attorney for Prisoner

Mediation Proceeding” in the form attached hereto as Exhibit “B.” The Coordinator shall file the Notice of Assignment with the Court and shall forward a copy to the district or magistrate judge and all interested parties.

6. SCHEDULING OF MEDIATION PROCEEDING

Upon receiving the Notice of Assignment, the mediator shall coordinate a time and date for a telephonic mediation proceeding with all interested parties and/or their representatives. The telephonic mediation proceeding shall occur within 45 days of the date of the Notice. The mediator shall notify the Coordinator of the time and date of the telephonic proceeding as well as the date and time of any additional telephonic conferences.

7. CONFIDENTIALITY OF MEDIATION PROCEEDINGS

All telephonic mediation proceedings shall be confidential and no statement made therein shall be admissible in any proceeding in the case, unless the parties otherwise agree. No part of the mediation proceeding shall be reported, or otherwise recorded, without the consent of the parties, except for any memorialization of a settlement.

8. CONDUCT OF MEDIATION PROCEEDINGS

Within five days after the conclusion of the telephonic mediation proceeding, the Mediator shall file with the Court a “Report for Prisoner

Mediation Proceeding” in the form attached hereto as Exhibit “C,” and also mail copies to the district or magistrate judge, all interested parties, and the Coordinator.

Exhibit "A"

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

**REQUEST FOR REFERRAL/NON-REFERRAL TO THE PILOT PRISONER
MEDIATION PANEL**

CASE NO.: _____

CASE NAME: _____

TO ALL PARTIES:

The Court has established a Pilot Prisoner Mediation Panel. Certain prisoner civil rights and Bivens cases may be referred to a neutral member of this panel appointed by the Court for prisoner mediation proceedings. The proceedings will consist of one or more telephonic conferences as determined by the mediator. This Request for Referral will be reviewed only by the district or magistrate judge assigned to the case for the purpose of determining whether this matter is suitable for the Pilot Prisoner Mediation Panel. All requests will remain confidential.

Please complete one of the following options:

I request that this case be referred to the Pilot Prisoner Mediation Panel. Please state the reasons why you believe that this case should be referred to the Panel. (This section must be completed in order for your request to be considered.)

I request that this case not be referred to the Pilot Prisoner Mediation Panel. Please state the reasons why you believe that this case should not be referred to the Panel.

Please note that while the judge will consider the parties' responses to this Request, the Court, on its own motion, may refer this case to the Pilot Prisoner Mediation Panel.

Dated: _____

By: _____

DO NOT FILE THIS REQUEST WITH THE COURT. Mail this form to: Pilot Prisoner Mediation Panel Coordinator, United States Courthouse, Room G-8, 312 N. Spring Street, Los Angeles, California 90012.

Exhibit "B"

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CASE NUMBER CV-_____

v. PLAINTIFF(S)

DEFENDANT(S).

NOTICE OF ASSIGNMENT
OF ATTORNEY FOR PRISONER
MEDIATION PROCEEDING

_____ has agreed to serve as the mediator for the above-captioned case.

The mediator shall schedule a time and date for the telephonic conference to occur within 45 days of the date of this Notice. By letter, the mediator shall notify the Prisoner Mediation Panel Coordinator of the time and date of the conference. The Coordinator shall also be notified, in writing, of any subsequent telephonic conferences.

Dated: _____

By: _____
Lydia A. Yurtchuk
Prisoner Mediation Panel Coordinator

cc: District/Magistrate Judge
All parties
Warden

Exhibit "C"

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CASE NUMBER CV- _____

PLAINTIFF(S)

v.

DEFENDANT(S).

REPORT FOR
PRISONER MEDIATION PROCEEDING

A mediation was held on _____, and the results of that proceeding are indicated below:

- (1) The following individuals, parties, and/or representatives participated in the proceeding, and each possessed the requisite settlement authority:

_____ Plaintiff.
_____ Warden or warden's representative.
_____ Office of the State Attorney General.
_____ Other.

- (2) The following individuals, parties, and/or representatives did not appear:

- (3) The outcome of the proceeding was:

_____ The case has been completely settled. The parties agree that a proposed stipulated order for dismissal of this case will be filed with the court on _____.

_____ The case has been partially resolved and counsel for defendants shall file a joint stipulation regarding those claims which have been resolved. The issues outline on the sheet attached remain for this court to resolve.

_____ The parties are unable to reach an agreement at this time.

Dated: _____

Signature of Mediator

Name of Mediator

cc: District/Magistrate Judge
All parties
Prisoner Mediation Panel Coordinator