

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)
) GENERAL ORDER NO. 02-07
 ALTERNATIVE DISPUTE)
 RESOLUTION PILOT)
 PROGRAM)
 _____)

1. SCOPE AND PURPOSE OF RULE

1.1 Scope. This General Order ("Order") governs the mandatory and elective referral of certain actions for settlement conferences with a neutral member of the Attorney Settlement Officer Panel appointed by the Court. The Order shall be effective on January 1, 2003, and applies to actions which fall within the scope of this Order, regardless of when the actions commenced.

1.2 Purpose. The Court finds that the number of criminal and civil cases in this District, together with the adoption of Congressional requirements for the priority scheduling of criminal trials and the shortage of Judges in this District, have placed significant pressures on litigants, counsel, and the Court. The purpose of this

Alternative Dispute Resolution Pilot Program (hereinafter referred to as ADR Pilot Program) is to alleviate some of these pressures and to encourage the fair, speedy, and economical resolution of controversies by referring suitable cases to an impartial Attorney Settlement Officer who is experienced in one or more designated areas of law or in the processes of alternative dispute resolution.

2. ADMINISTRATION

2.1 Appointment of the Coordinator. The ADR Pilot Program shall be coordinated by a Program 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 Attorney Settlement Officers, and regular circulation of said list to the Judges participating in the Program.

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

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

3. ATTORNEY SETTLEMENT OFFICER QUALIFICATIONS AND SELECTION

All attorneys who are appointed to the Attorney Settlement Officer Panel as outlined in General Order 01-04 are automatically appointed as settlement officers participating in the ADR Pilot Program.

4. IDENTIFICATION OF CASES FOR REFERRAL TO THE ADR PILOT PROGRAM

4.1 Mandatory Referral to the ADR Pilot Program. The

ADR Pilot Program shall apply to civil cases assigned to district judges participating in the Program that meet the following criteria:

- (a) The prayer for relief is \$250,000.00 or less, or
- (b) The nature of suit is one of the following categories listed on the

civil cover sheet:

- (1) Contract - insurance (110)
- (2) Contract - marine (120)
- (3) Contract - Miller Act (130)
- (4) Personal injury - assault, libel and slander (320)
- (5) Personal injury - marine (340)
- (6) Personal injury - marine product liability (345)

- (7) Personal injury - motor vehicle (350)
- (8) Personal injury - motor vehicle product liability
(355)
- (9) Other personal injury (360)
- (10) Personal injury - medical malpractice (362)
- (11) Personal injury - product liability (365)
- (12) Civil rights - employment (442).

4.2 Discretionary Referral to the ADR Pilot Program. Cases that the assigned judge determines would benefit from participation in the ADR Pilot Program but do not meet the criteria outlined in Section 4.1 of this General Order may be referred to the Program by the judge.

5. NOTICE OF REFERRAL

5.1 Mandatory Referral. In cases of mandatory referral, a “Notice to Parties of ADR Pilot Program” in the form attached as Exhibit “A,” and an “ADR Pilot Program Questionnaire” in the form attached as “Exhibit B” will be provided to plaintiff’s counsel at the time of the filing of the complaint. The Questionnaire is to be completed jointly by the parties and filed concurrently with the report required under Federal Rules of Civil Procedure 26(f).

5.2 Cases Transferred to a Judge Participating in the Pilot ADR Program.

For cases that are transferred to a judge participating in the ADR Pilot Program, a “Notice to Parties of ADR Pilot Program - Transferred Case” in the form attached as “Exhibit C” and an “ADR Pilot Program Questionnaire” in the form attached as Exhibit “B” will be provided to plaintiff’s counsel at the time of the transfer by the courtroom deputy clerk.

The Questionnaire is to be completed jointly by the parties and filed in accordance with the Notice.

5.3 Cases Transferred From a Judge Participating in the Pilot ADR Program to a Judge Not Participating in the Pilot ADR Program.

The provisions of this General Order will not be applicable to those cases that are transferred to a judge who is not participating in the ADR Pilot Program.

5.4 Discretionary Referral. For cases that do not meet the criteria in Section 4.1 of this General Order but the assigned judge determines would benefit from participation in this Program or a different settlement approach, a “Notice to Parties of ADR Pilot Program” in the form attached as “Exhibit D” and an “ADR Pilot Program Questionnaire” in the form attached as Exhibit “B” will be provided

to plaintiff's counsel by the courtroom deputy clerk.

The Questionnaire is to be completed jointly by the parties and filed in accordance with the Notice.

6. ORDER OF REFERRAL

6.1 Mandatory Referral. In cases of mandatory referral, after the Questionnaire is reviewed by the judge assigned to the case, an "Order/Referral to ADR Pilot Program" in the form attached hereto as "Exhibit E" shall be completed by the courtroom deputy clerk.

After reviewing the Questionnaire, the judge may determine that a particular case is not suitable for mandatory referral. In such instances, an "Order/Referral to ADR Pilot Program" will not be prepared.

6.2 Discretionary Referral. For those cases the assigned judge determines would benefit from participation in this Program or a different settlement approach, after the Questionnaire is reviewed by the judge assigned to the case, an "Order/Referral to ADR Pilot Program" in the form attached hereto as "Exhibit E" or an alternative order as directed by the judge shall be completed by the courtroom deputy clerk and served on the parties.

7. SELECTION OF AN ATTORNEY SETTLEMENT OFFICER.

7.1 Selection. The parties may stipulate to an Attorney Settlement

Officer on the current Attorney Settlement Office Panel List maintained by the Coordinator in accordance with General Order 01-04. If the parties are unable to stipulate to an Attorney Settlement Officer, a “Notice of Random Selection of Attorney Settlement Officer Under the ADR Pilot Program” in the form attached hereto as “Exhibit F” will be completed by the Coordinator, or an Attorney Settlement Officer will be appointed by the Court.

7.2 Random Assignment. If the parties are unable to stipulate to an Attorney Settlement Officer to conduct the settlement proceedings, the Clerk of Court shall randomly select an Attorney Settlement Officer from the current Panel List with expertise in the area of law as designated by counsel for all parties.

7.3 Disclosure of Conflicts of Interest. An Attorney Settlement Officer shall promptly determine all conflicts or potential conflicts in the manner prescribed by the California Rules of Professional Conduct and disclose same to all parties in writing. If the Attorney Settlement Officer’s firm has represented one or more of the parties, the Attorney Settlement Officer shall promptly disclose the circumstance to all parties in writing.

8. OTHER SETTLEMENT OPTION. Court permission must be obtained if a case has been referred to the ADR Pilot Program and the parties subsequently agree to have the case heard by a private or non-profit dispute

resolution body for a mediation-type settlement proceeding. In such instances, counsel shall notify the Coordinator of this change.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CASE NUMBER

PLAINTIFF(S),
v.

NOTICE TO PARTIES OF ADR PILOT
PROGRAM

DEFENDANT(S).

Dear Counsel,

The district judge to whom the above-referenced case has been assigned is participating in an ADR Pilot Program. All counsel of record are directed to jointly complete the attached ADR Pilot Program Questionnaire, and plaintiff's counsel is directed to concurrently file the Questionnaire with the report required under Federal Rules of Civil Procedure 26(f).

Clerk, U.S. District Court

Dated: _____

By: _____

Deputy Clerk

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CASE NUMBER

PLAINTIFF(S),

v.

DEFENDANT(S).

ADR PILOT PROGRAM QUESTIONNAIRE

(1) What, if any, discovery do the parties believe is essential in order to prepare adequately for a settlement conference or mediation? Please outline with specificity the type(s) of discovery and proposed completion date(s). Please outline any areas of disagreement in this regard. Your designations do not limit the discovery that you will be able to take in the event this case does not settle.

(2) What are the damage amounts being claimed by each plaintiff? Identify the categories of damage claimed [e.g., lost profits, medical expenses (past and future), lost wages (past and future), emotional distress, damage to reputation, etc.] and the portion of the total damages claimed attributed to each category.

(3) Do the parties agree to utilize a private mediator in lieu of the court's ADR Pilot Program?

Yes

No

Continued on reverse side

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CASE NUMBER

PLAINTIFF(S),
v.
DEFENDANT(S).

NOTICE TO PARTIES OF ADR PILOT
PROGRAM - TRANSFERRED CASE

Dear Counsel,

The district judge to whom the above-referenced case has been transferred is participating in an ADR Pilot Program. To assist the court in evaluating whether this case is suitable for the program, all counsel of record are directed to jointly complete the attached ADR Pilot Program Questionnaire, and plaintiff's counsel is directed to file the Questionnaire with the court no later than:

- five days before the Federal Rule of Civil Procedure 26(f) meeting of parties or
- within ten days of this notice.

Clerk, U.S. District Court

Dated: _____

By: _____

Deputy Clerk

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CASE NUMBER

PLAINTIFF(S),
v.

NOTICE TO PARTIES OF ADR PILOT
PROGRAM

DEFENDANT(S).

Dear Counsel,

The district judge to whom the above-referenced case has been assigned is participating in an ADR Pilot Program. To assist the court in evaluating whether this case is suitable for the program, all counsel of record are directed to jointly complete the attached ADR Pilot Program Questionnaire, and plaintiff's counsel is directed to file the Questionnaire with the court no later than:

- five days before the Federal Rule of Civil Procedure 26(f) meeting of parties or
- within ten days of this notice.

Clerk, U.S. District Court

Dated: _____

By: _____

Deputy Clerk

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CASE NUMBER

PLAINTIFF(S),
v.
DEFENDANT(S).

ORDER/REFERRAL TO
ADR PILOT PROGRAM

IT IS HEREBY ORDERED THAT this case shall be

- ordered to the Attorney Settlement Officer Panel for an early settlement conference to be completed no later than _____.
- ordered to the Attorney Settlement Officer Panel for a Local Civil Rule 16-14 Settlement Conference.
- referred to the Attorney Settlement Officer Panel based upon stipulation of the parties to be completed no later than _____. Within ten (10) days, plaintiff shall notify the ADR Program Coordinator (at 213-894-8249) of the name of the Attorney Settlement Officer who will conduct the settlement conference. If the parties have not selected an Attorney Settlement Officer, one shall be randomly assigned by the ADR Program Coordinator or appointed by the court.
- ordered to a private mediator based upon a stipulation of the parties to be completed no later than _____.
- other _____

The Court hereby directs the parties to complete the following discovery before engaging in the settlement conference or mediation hearing _____

The Court further set a status conference on _____

Dated: _____

UNITED STATES DISTRICT JUDGE

cc: ADR Program Coordinator

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CASE NUMBER CV- _____

v. PLAINTIFF(S)

DEFENDANT(S).

NOTICE OF RANDOM SELECTION
OF ATTORNEY SETTLEMENT OFFICER
UNDER THE ADR PILOT PROGRAM

Plaintiff has not notified the ADR Program Coordinator of the name of the Attorney Settlement Officer who will conduct the settlement conference pursuant to the Order/Referral to the ADR Pilot Program.

Therefore, the ADR Coordinator has randomly selected the following Attorney Settlement Officer to conduct the settlement conference: _____.

Clerk, U.S. District Court

Dated: _____

By: _____

ADR Coordinator

cc: Attorney Settlement Officer