



**SOUTHERN DISTRICT OF OHIO  
SUPPLEMENTAL PROCEDURES FOR  
ALTERNATIVE DISPUTE RESOLUTION**

**EFFECTIVE DATE: FEBRUARY 21, 2013**

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These Supplemental Procedures for Alternative Dispute Resolution are written pursuant to, and authorized by, S.D. Ohio Civ. R. 16.3(e)(1).

## **1.0 General Policy.**

Alternative Dispute Resolution (ADR) is a process designed to achieve the early, cost-effective, and fair resolution of civil cases. ADR provides litigants with a more informal, non-adversarial alternative to case resolution than traditional litigation. The Court's ADR Program is authorized under the Alternative Dispute Resolution Act, 28 U.S.C. § 651 *et seq.*, S.D. Ohio Civ. R. 16.3, and General Order 13-01. The ADR Program includes the following court-administered ADR processes for civil cases: settlement week mediation, attorney-based mediation, judicial-based mediation, and summary jury trial. At the initial scheduling conference and throughout the pendency of the civil action, the presiding district judge or magistrate judge will evaluate the case to determine the ADR process that will best facilitate the resolution of the case, and may refer the case, with or without party consent, to one of the Court's ADR processes.

## **2.0 Definitions.**

### **2.1 ADR Administrator**

ADR Administrators are deputy clerks from each location of the Court who are responsible for coordinating the timely scheduling of mediations between parties and mediators for attorney-based and settlement week mediations. ADR Administrators facilitate the assignment of mediators to particular cases. ADR Administrators are also responsible for ensuring that mediators have no conflicts of interest in the case to be mediated; maintaining the roster of volunteer mediators to assure current address and contact information; scheduling rooms for mediations; and other duties as required by the Chief Judge or ADR Coordinator.

### **2.2 ADR Coordinator**

ADR Coordinators are magistrate judges from each location of the Court who are responsible for directing, managing, and evaluating the Court's ADR programs at that location. ADR Coordinators are responsible for recruiting, screening, and training attorneys to serve as volunteer attorney mediators. ADR Coordinators are also responsible for reviewing annually the volunteer attorney mediator roster to ensure a sufficient number of volunteer mediators for the Court's ADR programs.

### **2.3 Attorney-Based Mediation**

Attorney-Based mediation is a mediation conducted by a volunteer lawyer pursuant to S.D. Ohio Civ. R. 16.3(d). Cases may be referred to attorney-based mediation with or without party consent.

### **2.4 Judicial-Based Mediation**

Judicial-Based mediation is a mediation conducted by a judicial officer other than the district judge or magistrate judge assigned to the case. Cases may be referred to judicial-based mediation with or without party consent.

### **2.5 Mediation**

Mediation is a dispute resolution method involving a neutral third party who assists the disputing parties in reaching a mutually agreeable solution by facilitating a productive exchange of issues and views. Mediation is non-binding unless a settlement is reached.

### **2.6 Mediators**

Mediators are neutral third parties who meet with litigants to facilitate settlement negotiations. Mediators have no authority to rule on issues or determine a settlement.

### **2.7 Settlement Week Mediation**

Settlement week mediation is a week set aside by the Court for the mediation of selected cases by volunteer attorneys. Cases may be referred to settlement week with or without party consent.

### **2.8 Summary Jury Trial**

A summary jury trial is an abbreviated trial held before a judicial officer and an advisory jury where the parties use the advisory jury verdict as a basis for settlement discussions. The verdict is non-binding and the parties may proceed to a regular jury trial if the case is not resolved through settlement. The summary jury trial is held close to the scheduled trial date.

## **3.0 General Provisions**

### **3.1 Eligibility**

Unless otherwise ordered by the Court, all civil cases filed in this district are eligible for referral to a court-administered ADR process except the following categories of cases:

- A forfeiture action *in rem* arising from a federal statute;
- A petition for habeas corpus or any other proceeding to challenge a criminal conviction or sentence;
- An action brought without an attorney by a person in the custody of the United States, a state, or a state subdivision;
- An action by the United States to collect on a student loan guaranteed by the United States; and
- A proceeding ancillary to a proceeding in another court

### **3.2 Referral Method**

With the exception of summary jury trials, the district judge or magistrate judge assigned to a case may refer the case to a court-administered ADR process with or without party consent. Referral is made on a case-by-case basis after discussion with the parties and at the discretion of the district judge or magistrate judge. Mandatory referral is authorized if the judicial officer believes mediation may result in the fair, cost-effective resolution of the lawsuit. Parties may request a referral to a court-administered ADR process at the preliminary conference or by motion at a later date.

### **3.3 Obligations of Counsel**

Counsel must be prepared to discuss ADR and settlement with the assigned judge or magistrate judge at every case conference. Unless otherwise ordered, trial counsel must be present at any scheduled ADR process.

### **3.4 Party Roles and Sanctions**

Unless excused by the mediator, all parties of record and corporate representatives are required to attend the ADR process with counsel. If the defense of an action is provided by

a liability insurance company, a settlement-empowered insurer representative must also attend in person unless otherwise agreed upon by the parties or ordered by the Court. Sanctions may be imposed for failure to participate or proceed in good faith.

### **3.5 Confidentiality**

To promote candor and protect the integrity of the Court's ADR processes, the communications made by the participants in the ADR processes are confidential. The parties, counsel, and the mediator may not disclose information regarding the process, including settlement discussion or terms of any agreed upon settlement, to the assigned district judge, magistrate judge, or third persons unless all parties otherwise agree in writing or as provided in S.D. Ohio Civ. R. 16.3. Parties, counsel, and mediators may, however, respond to confidential inquiries or surveys by persons authorized by the Court to evaluate the ADR process or program. Information provided in such inquiries or surveys shall remain confidential and shall not be identified with any particular case.

### **3.6 Deadlines, Discovery, and Motions**

All other case activities, including discovery and motion practice, shall go forward during the mediation process. Unless otherwise ordered by the Court, the scheduling of a court-administered ADR process does not stay any established case deadlines imposed by an existing Court Order, the Federal Rules of Civil Procedure, or the Southern District of Ohio Local Rules.

## 4.0 Settlement Week Mediation

### 4.1 Description

As part of the Southern District of Ohio ADR Plan, the Court offers settlement week mediation. In settlement week mediation, cases are scheduled for mediation with volunteer attorney mediators during a special week set aside by the court. The assigned District Judge or Magistrate Judges may refer any case to settlement week mediation.

Settlement week mediation may be established and held at any time at the discretion of the judicial officers in the Columbus, Cincinnati, and Dayton locations of the Court.

### 4.2 Order of Referral to Mediation

An order of referral to mediation is issued via the Court's electronic filing system to all counsel, parties, and the ADR Administrator. The order of referral will include the settlement week selected for the mediation.

### 4.3 Mediator Selection Process

Approximately sixty (60) days before the scheduled settlement week mediation, the ADR Coordinator, with the assistance of the ADR Administrator or other Clerk's Office staff, will contact the panel of volunteer mediators to inquire about their availability and known conflicts, and to confirm their contact information.

Approximately forty-five (45) days before the scheduled settlement week mediation, the ADR Administrator or other Clerk's Office staff will:

- Review and select the next available mediator from the Court's roster of volunteer mediators if no conflict exists. If a conflict exists, the next mediator on the roster will be reviewed until a mediator is found with no known conflicts;
- Notify the volunteer attorney of his or her appointment as a mediator and provide information on no-cost electronic access to the case to be mediated.
- Electronically file a notice setting the date, time, and location of the mediation and the name of the mediator appointed.
- The ADR Administrator or other Clerk's Office staff shall secure appropriate rooms for the mediation and shall post the information in a public area at the beginning of each day.

#### 4.4 Mediation Session

Mediations may be held at the courthouse or at another location as determined by the mediator with the consent of the assigned district judge or magistrate judge.

Once scheduled, the mediation may only be canceled by order of the Court.

If the parties or their attorneys are unavailable during settlement week, the mediation may be rescheduled for another date and time outside of settlement week with the consent of the assigned district judge or magistrate judge. The parties shall confer on an agreed date, time, and location. The parties may contact the Court's ADR Administrator for assistance in locating rooms at the courthouse for the mediation.

#### 4.5 Written Submissions

Unless otherwise ordered, the parties shall exchange, and serve on the assigned mediator, fully-documented settlement demands and offers prior to the conference, with the demand being due at least two weeks before the date selected for the conference, and the response not less than one week before that date.

**No written mediation memoranda are to be electronically filed on the Court's docket or provided to the Court or presiding judicial officer. If the Clerk's Office receives any written submission, it will be forwarded to the ADR Administrator for processing.**

#### 4.6 Number of Sessions

More than one session may be held. The Court's ADR Administrator may be utilized to facilitate the scheduling of additional mediation or settlement conferences. The mediator shall keep the judicial officer assigned to the case advised of any continuation of the scheduled mediation.

#### 4.7 Continuance

A settlement week mediation may be continued or vacated only by the Court. A request to continue or to vacate must be made to the Court either in a written motion or during a conference with the Court. A request to continue or to vacate must be supported by a statement that the requesting party has conferred with opposing counsel and a statement of reasons for the request. If the request is based on a need for discovery, the requesting party shall specify the discovery needed, the time necessary to complete that discovery and the reason that such discovery has not been completed. A request to continue shall



also propose a date for rescheduling the mediation. The CM/ECF system shall notify the ADR Administrator that such motion has been filed.

#### **4.8 Settlement**

The mediator shall notify the ADR Administrator or judicial officer's Courtroom Deputy that a settlement has been reached. The ADR Coordinator, the ADR Administrator or Courtroom Deputy shall electronically notify the presiding judge that the case has settled.

#### **4.9 Continued in Progress**

If no agreement is reached, but the mediator and the parties believe that further settlement efforts would be productive, the mediation will be docketed as continued in progress with the parties agreeing to take specific steps that will move them closer to settlement.

#### **4.10 No Settlement**

If an impasse is declared, within five (5) days of conclusion of the mediation, the mediator shall notify the ADR Coordinator, the ADR Administrator or Courtroom Deputy that no settlement has been reached and advise whether the parties have complied with the requirements of the mediation. The ADR Coordinator, the ADR Administrator or Courtroom Deputy shall electronically notify the presiding judge that the case was not settled and the mediation has been terminated.

#### **4.11 Mediator Qualifications and Training**

The Court shall select qualified mediators for appointment to the Court's roster of volunteer mediators. The Court may provide training for the neutrals as provided in S.D. Ohio Civ. R. 16.3(d).

#### **4.12 Disqualification**

Mediators may be disqualified for bias or prejudice as provided in 28 U.S.C. § 144 and must disqualify themselves in any action that would require disqualification if they were a justice, judge, or magistrate judge under 28 U.S.C. § 455.

#### **4.13 Immunity**

Mediators have immunity to the extent provided by law.

#### **4.14 Fees**

Court appointed mediators serve without compensation.

## 5.0 Attorney-Based Mediation

### 5.1 Description

As part of the Southern District of Ohio ADR Plan, the Court offers attorney-based mediation. Attorney-based mediations are conducted by volunteer lawyers pursuant to S.D. Ohio Civ. R. 16.3(d). The presiding judicial officer is authorized to refer any case to attorney-based mediation.

Attorney-based mediation sessions are generally held within a time frame set by the presiding judge at the preliminary pretrial conference. In general, mediation sessions must be scheduled within forty-five (45) days of the Court's referral unless otherwise ordered.

### 5.2 Order of Referral to Mediation

An order of referral to mediation is issued via the Court's electronic filing system to all counsel, parties, and the ADR Administrator. The Order of referral will include a deadline for completion of the mediation process.

### 5.3 Mediator Selection Process

- The ADR Administrators shall send to counsel sixty (60) days before the mediation deadline:
  1. A notice of the Court requiring the attorneys to confer and determine if the case is ready for the selected ADR process; and
  2. The roster of available mediators.
  
- The parties have ten (10) days to:
  1. Respond to the ADR Administrator on the readiness of the case; and
  2. Agree to a mediator.

If the parties cannot agree, the ADR Administrator shall assign a volunteer mediator who has subject matter expertise and no conflict of interest.

The ADR Administrator or other Clerk's Office staff shall electronically file the Notice of Designation of Mediator.

If the parties agree to use a mediator outside of the Court's volunteer mediator roster and there is a cost associated with the mediation, the parties shall agree, in writing, as to each party's respective share of the cost.

#### 5.4 Mediation Session

The mediator or the ADR Administrator shall electronically file a notice of the date, time, and location of the mediation session via the Court's CM/ECF system. Such notice shall be filed approximately forty-five (45) days before the conference. Mediations may be held at the courthouse or at another location as determined by the mediator with the consent of the assigned district judge or magistrate judge. If the mediation will be held at the courthouse, the mediator shall contact the ADR Administrator for assistance with obtaining suitable space within the courthouse.

Once scheduled, the attorney-based mediation session may only be canceled by order of the Court for good cause shown.

#### 5.5 Written Submissions

No later than fourteen (14) days before the mediation, each plaintiff must submit to counsel for all opposing parties a fully documented, written settlement demand; and no later than ten (10) days before the mediation, each opposing party must respond, in writing, to each settlement demand fully documenting that party's position.

Seven (7) days before the mediation, each party must submit a brief **confidential statement**, not to exceed five (5) pages, of the factual and legal issues; a description of previous settlement discussions, offers and demands; an analysis of all parties' interests in the dispute and settlement; and the names and positions of all persons who will attend the mediation. **These statements shall be emailed to the mediator only.** They shall **NOT** be served on the other parties and shall **NOT** be filed with the Court. Mediation statements are not legal briefs or arguments. They are an opportunity for counsel to share with the mediator information and insights that will be useful in acquainting the mediator with the dispute and the factors that might lead to settlement. The mediator shall have access to the case docket; therefore, it is not necessary to include filings from the Court's docket.

**No written mediation memoranda are to be electronically filed on the Court's docket or provided to the Court or presiding judicial officer. If the Clerk's Office receives any written submission, it will be forwarded to the ADR Administrator for processing.**

## **5.6 Number of Sessions**

More than one session may be held. The Court's ADR Administrator may be utilized to facilitate the scheduling of additional mediation or settlement conferences. The mediator shall keep the judicial officer assigned to the case advised of any continuation of the scheduled mediation.

## **5.7 Continuance**

A continuance beyond the deadline set by the Court may only be granted by the Court.

## **5.8 Settlement**

The mediator shall notify the ADR Administrator that a settlement has been reached. The ADR Administrator shall electronically notify the presiding judge that the case has settled. An order will be placed on the docket directing the parties to file an entry of dismissal within thirty (30) days.

## **5.9 Continued in Progress**

If no agreement is reached, but the mediator and the parties believe that further settlement efforts would be productive, the mediation will be docketed as continued in progress with the parties agreeing to take specific steps that will move them closer to settlement.

## **5.10 No Settlement**

If an impasse is declared, within ten (10) days of the conclusion of the conference, the mediator must submit a written statement to the ADR Administrator indicating that no settlement was reached and advising whether the parties complied with the requirements of attorney-based mediation. The ADR Administrator shall electronically notify the presiding judge that the case was not settled and the mediation has been terminated.

## **5.11 Mediator Qualifications and Training**

The Court shall select qualified mediators for appointment to the Court's roster of volunteer mediators. The Court may provide training for the neutrals as provided in S.D. Ohio Civ. R. 16.3(d).

### **5.12 Disqualification**

Mediators may be disqualified for bias or prejudice as provided in 28 U.S.C. § 144 and must disqualify themselves in any action that would require disqualification if they were a justice, judge, or magistrate judge under 28 U.S.C. § 455.

### **5.13 Immunity**

Mediators have immunity to the extent provided by law.

### **5.14 Fees**

Court appointed mediators serve without compensation.

## **6.0 Judicial-Based Mediation**

### **6.1 Description**

As part of the Southern District of Ohio ADR Plan, the Court offers judicial-based mediation. Judicial-based mediations are mediations conducted by a judicial officer other than the district judge or magistrate judge assigned to the case. Cases may be referred to judicial-based mediation with or without party consent. Parties may be excused from participating in judicial-based mediation, for good cause shown, upon motion made to the presiding district judge or magistrate judge. Sessions for judicial-based mediation are generally held within forty-five (45) days of the referral unless otherwise ordered by the Court.

### **6.2 Order of Referral to Mediation**

An order of referral to judicial-based mediation is issued via the Court's electronic filing system to all counsel, parties, and the ADR Administrator.

### **6.3 Mediator Selection Process**

The district judge or magistrate judge may directly assign the case to another district judge or magistrate judge for purposes of judicial-based mediation or order that the Clerk's Office randomly assign the case through CM/ECF. If the CM/ECF system will be utilized, the selection process shall include only those judicial officers who have indicated a willingness to participate in judicial-based mediations. The ADR Administrator or other designated Clerk's Office staff shall electronically file the Notice of Designation of Mediator. The mediator shall schedule the mediation conference within forty-five (45) days of receipt of the Notice of Designation, unless otherwise ordered by the judicial mediator or referral judge.

### **6.4 Mediation Session**

The judicial officer selected to mediate the case shall electronically file a notice through the CM/ECF system setting forth the date, time, and location of the mediation. The judicial officer may also issue Orders setting forth the manner in which the mediation shall proceed, and address related issues in such Orders, as permitted by S.D. Ohio Civ. R.16(3)(e).

## 6.5 Written Submissions

Unless the parties are ordered otherwise, no later than fourteen (14) days before the mediation, each plaintiff must submit to counsel for all opposing parties a fully documented, written settlement demand; and no later than ten (10) days before the mediation, each opposing party must respond, in writing, to each settlement demand fully documenting that party's position.

Seven (7) days before the mediation, each party must submit a brief confidential statement, not to exceed five (5) pages, of the factual and legal issues; a description of previous settlement discussions, offers and demands; an analysis of all parties' interests in the dispute and settlement; and the names and positions of all persons who will attend the mediation. These statements shall be emailed to the mediator only. They shall **NOT** be served on the other parties and shall **NOT** be filed with the Court. Mediation statements are not legal briefs or arguments. They are an opportunity for counsel to share with the mediator information and insights that will be useful in acquainting the mediator with the dispute and the factors that might lead to settlement. The judicial mediator will have access to the case docket; therefore, it is not necessary to include filings from the Court's docket.

**No written mediation memoranda are to be electronically filed or shown to the Court or judicial officer. If the Clerk's Office receives any written submission, it will be forwarded to the ADR Administrator for processing.**

## 6.6 Number of Sessions

More than one session may be held. The Court's ADR Administrator may be utilized to facilitate the scheduling of additional mediation or settlement conferences.

## 6.7 Continuance

A continuance beyond any deadlines set by the Court may only be granted by the presiding or referral judge.

## 6.8 Settlement

Unless otherwise ordered, the judicial mediator shall electronically file an order directing the parties to file an entry of dismissal within thirty (30) days. The presiding judge and ADR Administrator shall receive electronic notification of such order.



### **6.9 Continued in Progress**

If no agreement is reached, but the mediator and the parties believe that further settlement efforts would be productive, the mediation will be docketed as continued in progress, generally with the parties agreeing to take specific steps that will move them closer to agreement.

### **6.10 No Settlement**

If an impasse is declared, the mediator shall notify the presiding judge and ADR Administrator that a settlement was not reached.

### **6.11 Disqualification**

Judges may be disqualified for bias or prejudice as provided in 28 U.S.C. § 144 and must disqualify themselves in any action in which they would be required under 28 U.S.C. § 455.

### **6.12 Immunity**

Mediators have immunity to the extent provided by law.

## 7.0 Summary Jury Trials

### 7.1 Description

As part of the Southern District of Ohio ADR plan, the Court offers summary jury trials. A summary jury trial is an abbreviated trial held before a judicial officer and an advisory jury. The jury is empanelled in the same manner as a regular trial; however, the jurors will not be told, until after the trial, that their decision will have no binding effect. The attorneys will present summaries of witness testimony as well as their own arguments. No live witnesses are called. The parties may not contradict any previously stipulated facts. The jury is charged and returns a verdict as in any jury trial. The advisory verdict then serves as a basis for settlement discussions. The verdict is non-binding and is intended to facilitate settlement discussions by giving the parties and counsel an insight into the jury's evaluation of their respective cases. If the case is not resolved through settlement, the case proceeds to a regular jury trial. A summary jury trial is best suited for complex cases.

### 7.2 Referral Method

The judge may conduct a summary jury trial only with the consent of all parties.

### 7.3 Order Setting Summary Jury Trial

An order setting the case for summary jury trial shall be entered by the presiding judge. The order shall include a date for the final pretrial/charging conference and the summary jury trial.

- **Rules Regarding Summary Jury Trial**

1. If the parties jointly request that a detailed jury questionnaire be sent to prospective jurors and the results made available to counsel prior to the summary jury trial, they shall submit to the Court one week before the final pretrial/charging conference for its review, an agreed-upon proposed jury questionnaire.
2. Unless excused by the Court, the parties shall submit proposed voir dire questions, jury instructions, jury interrogatories, and a brief detailing any issues of law one week before the final pretrial/charging conference.

3. Prior to trial, counsel shall confer concerning physical exhibits, including documents and reports, and reach such agreement as is possible as to the use of such exhibits.
4. Two weeks prior to a summary jury trial, plaintiff's counsel shall provide defense counsel with itemization of the documents, witness depositions, interrogatories, requests for admissions, and affidavits they intend to refer to in the summary jury proceedings. One week before trial, defense counsel shall provide plaintiff's counsel with like itemization. The parties shall specifically identify the portions of such evidence upon which they plan to rely.
5. The action shall be heard before a six-member jury. Counsel for plaintiff and counsel for defendant will be permitted two challenges each to the venire (two for ALL plaintiff(s) and two for ALL defendant(s)), and will be assisted in the exercise of such challenges by a brief voir dire examination to be conducted by the Court and by juror profile forms. There will be no alternate jurors.
6. Unless excused by Order of the Court, individual clients shall be in attendance at the summary jury trial. Corporate clients shall be represented at all the summary jury trial by top echelon officers or by someone with immediate access to the corporate decision-making mechanism.
7. Counsel will make a brief opening statement.
8. Following opening statements, all evidence shall be presented through the attorneys for the parties. Both plaintiff's counsel and defense counsel will be afforded an opportunity to present an entirely descriptive summary of the evidence. During such descriptive summaries, counsel may summarize and present the evidence and may summarize or quote directly from depositions, interrogatories, requests for admissions, documentary evidence, and sworn statements of potential witnesses. However, no witness's testimony may be mentioned unless the reference is based upon one of the products of the various discovery procedures, or upon a written, sworn statement of the witness, or upon sworn affidavit of counsel that the witness would be called at trial and will not sign an affidavit, and that counsel has been told the substance of the witness's proposed testimony by the witness. Furthermore, counsel will not be permitted to characterize or interpret the evidence during this phase of the summary jury trial proceedings.
9. Following the descriptive summaries of the evidence by both sides, each side will have the opportunity to present closing arguments. At this point counsel may characterize the evidence and proffer inferences that they feel flow from the evidence.

10. Objections will be entertained if, in the course of a presentation, counsel exceeds the limits of propriety in presenting statements as to the evidence.
11. After counsels' closing arguments, the jury will be given an abbreviated charge on the applicable law.
12. The jury may return either a consensus verdict or a special verdict consisting of an anonymous statement of each juror's findings on liability and damages (each known as the jury's advisory opinion). The jury will be asked to consider the issue of damages regardless of its findings on liability. The jury will be encouraged to return a consensus verdict. The jury findings will not be admissible as evidence should the case proceed to trial.
13. No statement of counsel or any party during the course of the summary jury trial will be construed as judicial admissions.
14. Unless specifically ordered by the Court, the proceedings will not be recorded. Counsel may, if so desired, arrange for a court reporter for their own benefit and at their own expense; however, no transcript shall be filed with the Court.
15. Counsel may stipulate that a consensus verdict by the jury will be deemed a final determination on the merits and that judgment be entered thereon by the Court, or may stipulate to any other use of the verdict that will aid in the resolution of the case.

## **8.0 Program Administration**

### **8.1 The Chief Judge shall appoint a magistrate judge in each city to serve as ADR Coordinator. The ADR Coordinator shall:**

- Work with the local judicial officers to create and maintain a judge mediation assignment deck;
- Solicit and modify the attorney mediator roster as necessary;
- Arrange for necessary training of volunteer attorney mediators;
- Review statistics and make necessary adjustments to the processes;
- Review the frequency of motions to continue mediation and make necessary adjustments to the process to ensure that best practices are maintained;
- Work with their local judicial officers to maintain:
  1. The Rule 26(f) form;
  2. The Order of referral; and
  3. The ADR program.

### **8.2 The Clerk of Courts or operations management shall appoint a deputy clerk from each city to serve as ADR Administrator. The ADR Administrator shall:**

- Maintain the attorney mediator roster, including verifying contact information, conflicts, and other information at least every three (3) years;
- Send to counsel in attorney-based mediations sixty (60) days before deadline the notice regarding readiness;
- Confer with attorney-based mediators concerning potential conflicts;

- File Notice of Designation, if applicable;
- Send mediator roster to counsel in referred cases, if applicable;
- Select attorney from mediator roster if counsel cannot agree; and
- Perform other duties as required by the Chief Judge or ADR Coordinator.

**8.3 The Clerk of Courts or operations management shall appoint a lead ADR Administrator. The lead ADR Administrator shall:**

- Provide monthly statistical reports to the ADR Coordinators, the Chief Judge, the Clerk of Court, the Chief Deputy of Operations, and Division Managers;
- Provide statistical information to the Administrative Office of the United States Courts as directed or required;
- Maintain the judge mediation assignment deck as directed by the Chief Judge or ADR Coordinators;
- Maintain statistics as required by the Chief Judge or ADR Coordinators.