

## **ADR PLAN INFORMATION SUMMARY**

### **INTRODUCTION**

The United States District Court for the District of Rhode Island provides this Information Summary as an overview of the Court's Alternative Dispute Resolution Program (hereafter "ADR Plan"). The ADR Plan is designed to give litigants early access to approved alternative dispute resolution methods, including: Arbitration, Mediation and Settlement Conferencing.<sup>1</sup>

The ADR Plan provides alternatives to trial that seek to encourage mutually satisfactory resolution of disputes. Referral usually occurs in the pre-trial phase of litigation, though litigants may seek court referral to ADR at any time short of trial.<sup>2</sup>

### **CASES SUBJECT TO ADR**

All civil cases filed in this district except bankruptcy appeals, prisoner matters, and social security appeals are eligible for referral to ADR. Voluntary ADR options are available. If parties do not select a voluntary option, they are referred for a Magistrate Judge Settlement Conference.

### **DEFINITIONS**

1. "**Arbitration**" is a non-binding, adjudicative process in which a neutral decides the rights and obligations of parties and imposes an appropriate remedy in the form of an award. (Where parties mutually consent, parties may opt to have their dispute resolved through "binding arbitration.")
2. "**Magistrate Judge Settlement Conference**" is a non-binding settlement process involving a Magistrate Judge, who works with the parties and their counsel to identify issues, promotes settlement dialogue and, if possible, resolves the dispute in a mutually acceptable way.
3. "**Mediation**" is a voluntary, non-binding dispute resolution method involving a neutral third party who tries to help the disputing parties reach a mutually agreeable solution.
4. "**Settlement Authority**" as used in this Plan means the individual with control of the full financial settlement resources involved in the case, including insurance and the full financial authority and ability to agree to a binding settlement agreement.

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<sup>1</sup> In most cases litigants and their counsel will appear before a United States Magistrate Judge.

<sup>2</sup> Referral to ADR does not constitute a waiver of any requirements established by statute, local rule, order or procedures mandated by law or this Court.

## **PANEL OF NEUTRALS**

The Court has established a panel of neutrals (the "Panel") comprised of individuals whose education, experience, training, and character qualifies them to act as neutrals in one or more of the ADR options implemented by the Court. Magistrate Judges presiding over settlement conferences and the Administrator serving in the capacity of arbitrator or mediator serve without compensation. Persons, other than the aforementioned, serving as neutrals receive no compensation for the first hour of their service. Thereafter, the parties are equally responsible for the neutral's compensation at a rate agreed to by the parties, but not to exceed \$200 per hour.

## **THE PROCESS**

### 1. Rules Governing the ADR Process

ADR conference(s) shall be conducted in accordance with procedures outlined in this Plan.

### 2. Scheduling ADR Conferences

Upon the selected neutral receiving notice from the Administrator of his/her designation as a neutral, the neutral shall file his/her acceptance of the designation with the Clerk's Office with a copy to the Administrator, and shall promptly schedule the first meeting with the parties within 30 days, unless otherwise directed by the Court. Magistrate Judges schedule their own settlement conferences.

### 3. Time Frame for Conducting & Concluding ADR Settlement Efforts

At the discretion of the assigned District Judge, the time frame for conducting and concluding ADR may be set forth in the Order of Referral. The deadline for concluding ADR may be extended by the Court upon good cause shown.

### 4. Location of ADR Conferences

Conferences may be conducted at such locations as are agreeable to the parties and the neutral assigned to the case. Space is available to conduct ADR conferences in the United States Courthouse. If the Court's facilities are desired, arrangements shall be made with the Administrator.

### 5. Duty to Attend and Participate

Unless expressly excused by the judicial officer or neutral assigned to the case, all parties, counsel of record, and corporate representatives or claims professionals having full Settlement Authority as defined in Section IV, shall attend all ADR conferences and participate in good faith. Failure to meet obligations under these rules may lead to disciplinary action.

## **FOR ADDITIONAL INFORMATION**

Please Contact: Berry Mitchell, ADR Administrator-Arbitrator/Mediator, United States District Court, District of Rhode Island, 1 Exchange Terrace, Providence, RI 02903: (401) 752-7229  
• Fax: (401) 752-7255 or E-mail: [b\\_mitchell@rid.uscourts.gov](mailto:b_mitchell@rid.uscourts.gov).

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