



## 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").<sup>1</sup> The ADR Plan is designed to give litigants early access to approved voluntary alternative dispute resolution (ADR) methods, including: Arbitration, Mediation and Settlement Conferencing.<sup>2</sup> If parties do not select a voluntary option, the Court may refer the case to a mandatory settlement conference before one of the Court's judicial officers or the Court's ADR Administrator.

### TIMING OF REFERRAL

Referral usually occurs in the pre-trial phase of litigation, though litigants may seek court referral to ADR at any time short of trial.

### CASES SUBJECT TO ADR

All civil cases filed in this district except bankruptcy appeals, prisoner matters<sup>3</sup>, and social security appeals are eligible for referral to ADR.

### 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.

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<sup>1</sup> Parties and their counsel are encouraged to consult the ADR Plan, which can be viewed on the Court's website at: <http://www.rid.uscourts.gov/menu/generalinformation/adr/ADRPlan-030106.pdf>

<sup>2</sup> In most cases litigants and their counsel will appear before a United States Magistrate Judge.

<sup>3</sup> In the sole discretion of the Court, Prisoner Civil Rights cases may be referred to a settlement conference before a judicial officer or referred to mediation before the ADR administrator.

4. "**Settlement Authority**" as used in the ADR 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.

#### **PANEL OF NEUTRALS**

The Court has established a panel of neutrals (hereafter the "Panel") comprised of individuals whose education, experience, training, and character qualify them to act as neutrals in one or more of the ADR options made available by the Court. ADR Panel members, other than the ADR Administrator, 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 Program and Processes**: Are governed by procedures outlined in the ADR Plan.
2. **Scheduling ADR Conferences**: The designated neutral chosen by the parties or the Court is responsible for scheduling ADR proceedings (arbitration, mediation or settlement conferences). Proceedings shall be scheduled promptly and without undue delay.
3. **Time Frame for Conducting & Concluding ADR Settlement Efforts**: At the discretion of the assigned district or magistrate judge, the time frame for conducting and concluding ADR may be set forth in the ADR Referral Order. The deadline for concluding ADR may be extended by the Court upon good cause shown.
4. **Location of ADR Proceedings**: Proceedings shall be held in such locations as are agreeable to the parties and the neutral assigned to the case.
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 of the ADR Plan, shall attend all ADR conferences in person and shall participate in good faith. Failure to meet obligations under these rules may lead to disciplinary action.

#### **FOR ADDITIONAL INFORMATION**

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