

PROCEDURES FOR ADR REFERRAL

Current Feb. 2007

DISTRICT JUDGES	Which cases are referred?	Which cases are not referred?	Are unwilling parties referred?	When is decision made re: ADR	When is a case referred to ADR?	How much time for completion?
HAMILTON	All cases that present fact issues (and are not excluded by L.R. 6.01(A))	Cases in which only issues of law are present	Yes, if the issues in the case lend themselves to ADR	At the Rule 16 conference	After fact discovery but before expert discovery begins	60 days; can be readily extended
STOHR	Nearly all which present issues of fact (and not excluded by L.R. 6.01(A))	Typically do not refer those with pro se litigants	No, if the parties' opposition shows referral is fruitless	At the Rule 16 conference	After fact discovery, but should complete ADR before expert discovery begins	60 days; can be readily extended
JACKSON	All types which lend themselves to ADR	Only those set forth in L. R. 6.01(A)	Usually not. Will not refer if prior efforts failed	Usually at Rule 16 conference	Usually when requested by parties	60 days; will extend if trial date and other deadlines unaffected
SHAW	All cases which present fact issues	Cases that present only legal issues; or those excluded by L.R. 6.01(A)	Yes, if the issues in the case lend themselves to ADR	At the Rule 16 conference	Discussed with parties; before extensive discovery	60 days; can be readily extended
PERRY	Almost all cases are referred	Cases with purely legal issues; pro se cases	Yes, if the Court believes ADR may be productive	At the Rule 16 conference	After fact discovery; but well before SJ motion deadline	60 days
WEBBER	Almost all cases are referred	Cases with purely legal issues; or excluded by L.R. 6.01(A)	Yes	Presumption exists from filing that ADR will occur	Early in case; after plaintiff's or decisionmaker's deposition is taken	90 days; rarely extended
SIPPEL	Presumption exists that all cases will be referred	Cases that present only legal issues	Yes, but case-by-case exceptions will be considered	At the Rule 16 conference	Discussed with parties; after enough discovery to evaluate case	60 days
LIMBAUGH	All cases except those excluded by L.R. 6.01(A)	Cases where counsel feel it will be futile	Usually not, except in four-plus party cases, and one or two are reluctant	At the Rule 16 conference	Discussed with parties; sometimes after 2-5 months discovery	six weeks

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DISTRICT JUDGES	Who is designated as lead counsel?	Can ADR referral be vacated?	What procedure is used to vacate ADR referral?	Are cases ever referred to ADR more than once?	Any cases referred to Early Neutral Eval.?	Other comments
HAMILTON	Plaintiff's counsel; if pro se pltf., then deft.'s counsel	Yes, on a case-by-case basis	File written motion to vacate with supporting memo	No	Yes, 2-3, at parties' request	None
STOHR	Plaintiff's counsel; but if not local, sometimes deft.'s counsel	Rarely, where demonstrated that referral is futile	File written motion stating good cause to vacate	Yes, after appeal, or if case situation has changed, or on request of parties	Rarely; at parties' request	None
JACKSON	Plaintiff's counsel; if pro se pltf., then deft.'s counsel	Have been no requests to date	File written motion stating reasons for request to vacate	No	No	Litigation expense less where parties go to ADR early on
SHAW	Plaintiff's counsel; if pro se pltf., then deft.'s counsel	Yes, where demonstrated that referral is futile	Bring written motion and memo to informal matters	Yes, if requested or deemed useful by the Court	Yes, rarely, at parties' request	ADR process can be productive even if settlement not made
PERRY	Plaintiff's counsel in most cases	Yes, where counsel demonstrates a very good reason	BOTH counsel appear at informal matters; no motion should be filed	Yes, if parties request and trial date not affected	No	Parties should be prepared to discuss ADR at Rule 16; discuss beforehand
WEBBER	Plaintiff's counsel; if pro se pltf., then deft.'s counsel	Yes, if settlement is imminent or only legal issues remain	By calling chambers or filing a written motion	Have not to date	Yes, for complex technical issues if could resolve case	Counsel should contact Court with any ADR questions
SIPPEL	Plaintiff's counsel in most cases	Yes, for good cause shown	File written motion, come to informals, or request hearing	Yes, if case has changed, or if requested by party	No	None
LIMBAUGH	Chosen after consultation with counsel	Yes, for death or serious illness of attorney or party	File written motion to vacate, stating reason	Yes, if first referral was vacated and ADR is later desired	Yes, on request of parties	Prefers that ADR occur at some point in all litigation