

ADR PROCESSES

EARLY NEUTRAL EVALUATION

"Early Neutral Evaluation" ("ENE") is a pretrial process involving a neutral evaluator who meets with the parties early in the course of the litigation to help them focus on the issues, organize discovery, work expeditiously to prepare the case for trial, and, if possible, settle all or part of the case. The neutral evaluator provides the parties with an evaluation of the legal and factual issues, to the extent possible, at that early stage of the case. The ENE process described in L.R. 16.5(a), et seq. is court-annexed. ENE occurs early in the process and it is often recommended at a case management conference. ENE is designed to prepare a civil case for trial by getting the parties to focus on the issues, agree to stipulations, set discovery and overall ready the case for trial. ENE is not generally a settlement tool but settlement may be effected as a result of ENE. L.R. 16.4(b).

MEDIATION

"Mediation" is a non-binding settlement process involving a neutral mediator who helps the parties to overcome obstacles to effective negotiation. The mediation process described in Local Rule 16.6(a), et seq. is court-annexed. Mediation occurs later in litigation and generally after some discovery has been exchanged. Mediation is designed to calm the emotions of the parties, get the parties to focus on the issues, identify strengths and weaknesses and move the parties toward settlement of the case. L.R. 16.4(b).

ARBITRATION

"Arbitration" is an adjudicative process by which a neutral person or persons (the arbitrator(s)) decide the rights and obligations of parties. The arbitration process described in Local Rule 16.7(a), et seq. is court-annexed, in that it is arranged and administered by the court. It is also consensual, in that the parties consent to participate, and non-binding. L.R. 16.4(b).

SUMMARY JURY TRIAL

A "Summary Jury Trial" is a court-annexed, non-binding process in which the parties briefly present their case to a jury with a judicial officer not presiding over the case. Counsel can use the decision of the jury and information about the jurors' reaction to the legal and factual arguments as an aid to settlement negotiations. L.R. 16.8(a).

SUMMARY BENCH TRIAL

A "Summary Bench Trial" is a court-annexed pretrial procedure intended to facilitate settlement consisting of a summarized presentation of a case to a judicial officer not assigned to the case, whose decision and subsequent factual and legal analysis serves as an aid to settlement negotiations. L.R. 16.9(a).

OTHER ADR PROCEDURES

A judicial officer may utilize other methods of court-annexed alternative dispute resolution procedures or recommend or facilitate the use of any extrajudicial procedures for dispute resolution not otherwise provided for by these Local Rules. L.R. 16.10.