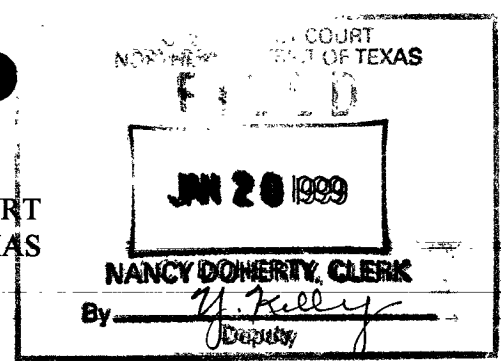


IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS



Special Order No. 2-47

1. The District Judges of this court have considered and adopted the attached amendments to § III of the court's Civil Justice Reform Act ("CJRA") plan, which is a local rule of this court.

Special Order 2-46, § 1, provides:

Except when the court is required to act in an emergency, to comply with an Act of Congress, or to conform to the provisions of a national rule, the local civil, criminal, and bankruptcy rules will be modified no more than once each year, and any modifications will take effect on September 1 of the year in which they are adopted.


The amendments to the CJRA plan that the court adopts by this order are required in order for the court to comply with the Alternative Dispute Resolution Act of 1998. Accordingly, these amendments shall take effect immediately upon entry of this order.

3. The Clerk of Court is directed to make the necessary distribution.

**SO ORDERED.**

January 20, 1999.

FOR THE COURT:

  
JERRY BUCHMEYER, CHIEF JUDGE  
UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS

### III. ALTERNATIVE DISPUTE RESOLUTION (ADR)

The Court endorses Alternative Dispute Resolution (ADR) programs as effective in bringing about settlement or narrowing of issues in civil actions. The Court will publish a pamphlet describing the various ADR methods, their use by the Court, and their potential advantages. This pamphlet will be provided by the Clerk's Office to counsel for all litigants and to pro se parties. The following policy regarding ADR is adopted:

**A. ADR Referral.** The Court requires that litigants in all civil cases, except those set out in local civil rule 16.1, consider the use of an alternative dispute resolution process at an appropriate stage in the litigation. A judge may refer a case to ADR on the motion of any party, on the agreement of the parties, or on the judge's own motion. The judge will respect the parties' agreement unless the judge believes another ADR method or provider is better suited to the case and parties. The authority to refer a case to ADR does not preclude a judge from suggesting or requiring other settlement procedures.

**B. Opposition to ADR Referral.** A party opposing either the ADR referral or the appointed provider must file written objections within ten days of entry of the order of referral, explaining the reason(s) for any opposition.

**C. ADR Methods.** The Court recognizes the following ADR methods: mediation, mini-trial, summary jury trial, and early neutral evaluation. A judge may approve the ADR method the parties suggest or any other method the judge believes is suited to the litigation. A judge may not require any alternative dispute resolution process except mediation and early neutral evaluation.

**D. Attendance.** Subject to the provisions of 28 U.S.C. § 473(c), in addition to counsel, party representatives with the authority to negotiate a settlement and all other persons necessary to negotiate a settlement, including insurance carriers, must attend the ADR sessions.

**E. Binding Nature.** The results of ADR are non-binding, unless the parties agree otherwise.

**F. Confidentiality; Privileges and Immunities.** All communications made during ADR procedures are confidential and protected from disclosure and do not constitute a waiver of any existing privileges and immunities.

**G. Administration.** At the conclusion of each ADR proceeding the provider will complete and file with the District Clerk a form supplied by the Clerk which will include:

1. The style and civil action number of the case;
2. A list of those in attendance;
3. The names, addresses, and telephone numbers of counsel;
4. The type of case;
5. The method of ADR proceeding;
6. Whether or not the case settled; and
7. The provider's fee.

The District Clerk annually shall tabulate, analyze and report on the disposition of ADR proceedings.

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**H. Neutrals.** The Court will adopt appropriate processes for making neutrals available for use by the parties for each category of process offered, and promulgate procedures and criteria for the selection of neutrals on its panels. A person designated as a neutral in a case must request to be excused from the designation in such circumstances as 28 U.S.C. § 455 would disqualify a justice, judge, or magistrate judge of the United States, or other applicable or professional responsibility standards so require.