

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA


IN RE: : STANDING ORDER NO. 3:04-mc-186
: Standing Order #: 04-3
AUTHORIZING SYSTEMATIC :
RANDOM MANDATORY :
MEDIATION REFERRALS IN :
CERTAIN CASE TYPES :

STANDING ORDER

July 26, 2004

FILED
SCRANTON

JUL 26 2004

PER 
DEPUTY CLERK

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

In April, 1994, the Court created an Alternative Dispute Resolution Program under its Civil Justice Reform Act Plan. Mediation is one of three alternative procedures adopted under the ADR Program, and is the most frequently used alternative process in the district.

Attorneys and litigants participating in mediation report a high level of satisfaction with the Middle District's Program. Among the advantages of mediation are the opportunity to narrow issues in controversy and streamline discovery, the preservation or mending of relationships between the parties, savings in time and money, and eliminating the risks of litigation. Despite these benefits, only a small percentage of all eligible cases are referred to mediation.

It is the general perception of the Court that its Mediation Program is an underutilized asset. That view is shared by the Middle District's Mediation Advisory Group, which formally has recommended that the Court systematically refer approximately 180 cases to

mediation per year over a two year period. The Advisory Group has concluded that a focused program of mandatory referrals, in which all judicial officers participate by having selected cases proceed to early mediation by a member of the Court's certified panel of attorney mediators, would be an effective way to promote the acceptance of mediation among the bench and bar as an effective, inexpensive, method of resolving civil disputes. At its April 30, 2004 meeting, the Board of Judges adopted the recommendations of the Mediation Advisory Group, and authorized the establishment of a program of random mandatory referral of cases to mediation by Standing Order to certified members of the district's mediation panel. The program is designed for the narrow purpose of promoting broader acceptance of mediation among the bench and bar.

In doing so, the Court emphasizes the critical importance of the federal judicial process in our nation's history and in our system of justice. Mediation is non-binding. Participation in this program will in no way diminish a party's right to seek recovery or defend against claims through the full panoply of judicial processes, including the right to public trial. To this end, the program will be administered to ensure that no mediation referral results in the impairment of any rights as a litigant or in the creation of any unfair or unreasonable economic burden.

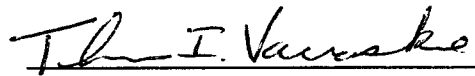
NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. The Clerk of Court shall implement a program of random mandatory referral

of cases to mediation effective October 1, 2004, and continue the program for a period of two years unless the Court orders otherwise.

2. In each twelve-month period beginning October 1, 2004, the Clerk of Court shall randomly identify for mandatory mediation referrals a total of 180 cases from the following nature of suit categories: (a) 60 cases from nature of suit category 440 (Civil Rights Other); (b) 60 cases from nature of suit category 442 (Civil Rights Employment); and (c) 60 cases consisting of (i) all filings from nature of suit category 362 (P.I. Medical Malpractice), and (ii) the balance from cases filed in nature of suit categories 350 (P.I. Motor Vehicle) and 360 (P.I. Other).
3. The ADR Coordinator shall assign mediators to cases identified for the program, making every effort to match the mediator's areas of expertise to the subject matter of the case, and to equalize appointments among mediators.
4. The judicial officer presiding over a case designated by the Clerk of Court for mandatory mediation referral shall refer such case to the Court-annexed Mediation Program as soon as practicable after the Case Management Conference, unless for good cause shown the parties demonstrate that the matter should not be subject to mandatory mediation referral.

5. The Clerk of Court shall work with the Mediation Advisory Group as well as the Court's Alternative Dispute Resolution Committee, to monitor the progress of this initiative and make a formal report to the Board of Judges on April 1, 2005 and every six (6) months thereafter.



Thomas I. Vanaskie, Chief Judge
Middle District of Pennsylvania