

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA**

BANKRUPTCY DISPUTE RESOLUTION PROGRAM

INSTRUCTIONS FOR PARTIES

The Bankruptcy Court for the Northern District of California has established an alternate dispute resolution program known as the Bankruptcy Dispute Resolution Program ("BDRP"). The rules governing the BDRP are found in the Bankruptcy Local Rules at B.L.R. 9040 *et seq.* The BDRP is available to parties, whether or not represented by counsel, in all controversies arising in adversary proceedings, contested matters or other disputes in a bankruptcy case with a few exceptions. The program is entirely voluntary and has a modest charge of \$100 per side. The charge is waivable in whole or part at the discretion of the Resolution Advocate who is assigned to the matter.

A matter may be referred to the BDRP by the Court with the agreement of the parties at a status conference or hearing, or the parties may submit a stipulated order requesting that the matter be referred to the BDRP. The order should recite that all parties to the dispute agree to the referral.

The following steps should be taken whether the matter is referred to the BDRP at a hearing, requested, or submitted by stipulated order.

1. The parties to the dispute are to confer and select a Resolution Advocate ("RA") and an Alternative RA from the weekly list of available panel members. This list is updated weekly, and is posted outside the courtroom or may be obtained from the court room deputy. You may also call Edward Emmons at (415) 268-2395 to check availability. Your selection of an RA and Alternate should be made **only** from the weekly list. A complete list of all panel members including short biographies is provided for reference in the clerk's office at the intake counter.
2. The parties should agree who is to complete the Order Appointing Resolution Advocate, and return or present 2 copies to the court for signature, together with a stamped envelope addressed to the submitting party.
3. The BDRP has been designed to be a streamlined procedure; therefore, upon receipt of the signed order, the submitting party **must** immediately serve a copy of the order on the RA, the Alternate, all parties to the dispute and Mr. Edward Emmons at: U.S. Bankruptcy Court, P.O. Box 7341, San Francisco, CA 94120-7341.

Once the RA receives a copy of the order, he or she will contact the parties to schedule a conference. The RA in conjunction with the parties, will determine a time, place and format for

the conference. Possible formats are as follows:

FACILITATION - Facilitation is a collaborative process in which the RA functions as a neutral providing information about the process. The RA does not make substantive contributions regarding the merits of the dispute or possible settlements. A facilitator helps the parties define the issues in order to increase the likelihood that the parties will reach a consensus.

MEDIATION - Mediation is a flexible non-binding, confidential process in which a neutral facilitates negotiations among the parties to help them reach settlement. The mediator's goals include: improving communication across party lines, helping parties articulate their interests and understand those of their opponent, probing the strengths and weaknesses of each party's legal positions, helping identify areas of agreement and generating options for a mutually agreeable resolution to the dispute. The mediator generally does not give an overall evaluation of the case. A hallmark of mediation is its capacity to expand traditional settlement discussion and broaden resolution options often by going beyond the legal issues in the controversy.

EARLY NEUTRAL EVALUATION - In Early Neutral Evaluation the parties and their counsel, in a confidential session, present summaries of their cases and receive a nonbinding assessment by an experienced neutral professional with subject-matter expertise. The evaluator also helps identify areas of agreement, provides case-planning guidance and, if requested by the parties, settlement assistance.

All of the above are **non-binding, voluntary, and confidential**. Other processes and procedures may be used by agreement and at the discretion of the parties and the RA. The goal is to provide parties with the flexibility to resolve the dispute more quickly, at less cost and without the stress and pressure of litigation.

If you have any questions, please contact the BDRP Staff Administrator, Edward Emmons at (415) 268-2395.