

## **RULES RELATED TO CONFIDENTIALITY OF ADR PROCESSES**

### **EARLY NEUTRAL EVALUATION (ENE)**

The entire ENE process is confidential. The parties and the Evaluator shall not disclose information regarding the process, including settlement terms, to the court or to third persons unless all parties otherwise agree. Parties, counsel, and Evaluators may, however, respond to confidential inquiries or surveys by persons authorized by the court to evaluate the ENE program. Information provided in such inquiries or surveys shall remain confidential and shall not be identified with particular cases.

The ENE process shall be treated as a compromise negotiation for purposes of the Federal Rules of Evidence and state rules of evidence. The Evaluator is disqualified as a witness, consultant, attorney, or expert in any pending or future action relating to the dispute, including actions between persons not parties to the ENE process. L.R. §16.5(h).

### **MEDIATION**

The entire mediation process is confidential. The parties and the Mediator may not disclose information regarding the process, including settlement terms, to the court or to third persons unless all parties otherwise agree. Parties, counsel and Mediators may, however, respond to confidential inquiries or surveys by persons authorized by the court to evaluate the mediation program. Information provided in such inquiries or surveys shall remain confidential and shall not be identified with particular cases.

The mediation process shall be treated as a compromise negotiation for purposes of the Federal Rules of Evidence and state rules of evidence. The Mediator is disqualified as a witness, consultant, attorney, or expert in any pending or future action relating to the dispute, including actions between persons not parties to the mediation process. L.R. §16.6(h).