

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF MISSOURI**

FACT SHEET #7

ATTENDANCE REQUIREMENTS OF ALTERNATIVE DISPUTE RESOLUTION (ADR)

WHAT ARE THE ATTENDANCE REQUIREMENTS OF ADR? All named parties and their counsel must negotiate in good faith, be knowledgeable of the case facts and possess settlement authority. Representatives of a governmental unit or insurers must negotiate in good faith, be knowledgeable of the facts, possess settlement authority and understand the procedures and policies under which settlements may be accepted. The judge may sanction parties for not participating in good faith.

WHAT ARE THE ATTENDANCE RESPONSIBILITIES OF THE PARTIES BRINGING THE SUIT? Unless excused, parties bringing the suit must attend the ADR conference, participate in good faith, and possess the requisite settlement authority unless excused. Parties must also notify the Clerk in writing, within the time prescribed by the Order Referring Case to Alternative Dispute Resolution, of the parties' choice of a neutral. If the parties fail to select a neutral, the Clerk will select a neutral from the list and notify the parties.

WHAT ARE THE ATTENDANCE REQUIREMENTS OF CORPORATIONS OR ASSOCIATIONS? A party other than a natural person (e.g. a corporation or association) satisfies the requirement to attend the ADR conference if they are represented by a person (other than the outside counsel) who has the authority to settle and who is knowledgeable about the facts.

WHAT ARE THE ATTENDANCE RESPONSIBILITIES OF GOVERNMENT AGENCIES? A unit or agency of government satisfies the requirement to attend the ADR conference if they are represented by a person who has authority to settle, who is knowledgeable about the facts of the case, the government's position, and the procedures and policies under which the governmental unit decides whether to accept proposed settlements. If the action is brought by the government on behalf of one or more individuals, at least one such individual also shall attend.

WHAT ARE THE ATTENDANCE RESPONSIBILITIES OF INSURERS? Insurer representatives are required to attend in person, unless excused, if their agreement would be necessary to achieve a settlement.

WHAT ARE THE ATTENDANCE RESPONSIBILITIES OF COUNSEL? Unless excused, counsel must attend the ADR conference, participate in good faith, and possess the requisite settlement authority.