

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

FACT SHEET #8

CONFIDENTIALITY REQUIREMENTS OF ALTERNATIVE DISPUTE RESOLUTION (ADR)

ARE ADR PROCEEDINGS CONFIDENTIAL? Alternative Dispute Resolution proceedings are private and confidential. A neutral may exclude anyone other than the named parties and their counsel from ADR conferences. Other individuals may participate with the consent of the neutral, provided they agree to the rules pertaining to confidentiality. The neutral shall not testify regarding matters disclosed during ADR proceedings. Nothing said by the parties during ADR will be held against the parties in court.

ARE DOCUMENTS SUBMITTED DURING THE ADR PROCESS CONFIDENTIAL? All written and oral communications made or disclosed to the neutral are confidential and may not be disclosed by the neutral, any party, or other participant unless the parties otherwise agree in writing. Documents created by the parties for use by the neutral shall not be filed with the Court. This rule does not prohibit or limit the enforcement of agreements or the collection of non-identifying information for Court-approved research and evaluation purposes, or the filing of the ADR compliance report.

CAN THE NEUTRAL COMMUNICATE PRIVATELY AND EX PARTE WITH COUNSEL AND UNREPRESENTED PARTIES? The neutral designated in a case may communicate privately and ex parte with counsel and unrepresented parties prior to the commencement of the formal dispute resolution process.