

Rule 9019-3

Appointment of Settlement Judges

(a) Appointment Order

Upon a motion, oral request, stipulation, or *sua sponte* decision, the judge presiding over a particular adversary proceeding, bankruptcy case, or other bankruptcy-related matter may appoint another available active or recall status United States Judge from any judicial district or circuit to act as settlement judge to assist in possible resolution of disputes. The details regarding the appointment of a particular settlement judge will be specified in an appointment order issued by the presiding judge.

(b) Process for Appointment

Any request for appointment of a settlement judge must first be proposed to the presiding judge.

If the parties propose the appointment of a particular other judge as a settlement judge, then the presiding judge may either contact the potential settlement judge (directly or through court staff) or request that the parties contact the potential settlement judge to confirm that such judge is willing and able to serve as settlement judge.

(c) Judicial Immunity and Other Protections

Any federal judge appointed as a settlement judge will be so appointed because of a judicial position as, and to act in the specific capacity as, a United States Judge. By serving as a settlement judge, such judge performs judicial duties.

Accordingly, such judge and all persons assisting a settlement judge will have full, unqualified judicial immunity, as well as all other privileges, immunities, and protections of a United States Judge and judiciary employees, regarding any matters arising from or related to such judge's role as settlement judge.

All parties participating in the settlement process will automatically:

- (1) waive and be unable to assert any claims or causes of action against the settlement judge or any court employees assisting with the settlement process that arise from or relate to the settlement process; and
- (2) waive and be unable to seek to compel from the settlement judge or from any court employees assisting with the settlement process any oral or written testimony, document production (including, without limitation, regarding any records, reports, summaries, notes, communications, or other documents received or made by the settlement judge or any court employees while serving in such capacity), or other participation

whatsoever in any litigation, judicial, arbitral, or other proceeding of any kind.

The settlement judge may, in the settlement judge's sole discretion, require that the parties sign an agreement memorializing the above understandings before agreeing to serve as a settlement judge.

(d) Disqualification

No judge may serve as a settlement judge if that judge would be disqualified (1) under 28 U.S.C. § 144 if that judge were a district judge presiding over the matter or proceeding or (2) under 28 U.S.C. § 455 if that judge were a justice, judge, or other judicial officer presiding over the matter or proceeding, in each case unless the parties consent in writing after disclosure.

Related Provisions

FRCP 16 Pretrial Conferences; Scheduling; Management

LCivR 16(a) Purposes of Pretrial Conference

28 USC 651 Authorization of Alternative Dispute Resolution

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