

UNITED STATES COURT OF FEDERAL CLAIMS

SECOND AMENDED GENERAL ORDER No. 40 NOTICE OF ADR PILOT PROGRAM AND ADR PILOT PROCEDURES

The United States Court of Federal Claims has been a leader in the use of ADR since the adoption of General Order No. 13 on April 15, 1987. At that time, the court realized that rising litigation costs and delay were inherent in the traditional judicial resolution of complex legal claims. In response to these concerns, the court implemented two methods of alternative dispute resolution: settlement judges and mini-trials. On November 8, 1996, General Order No. 13 was amended to include the use of third-party neutrals as an additional method of alternative dispute resolution. On May 1, 2002, Amended General Order No. 13 was revoked with the adoption of the revised Rules of the United States Court of Federal Claims. The procedure for Alternative Dispute Resolution is found at Appendix H of the revised rules. The pilot program described below does not supplant the court's established ADR program.

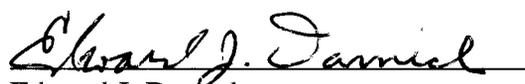
The ADR pilot program includes, all cases (with the exception of bid protest cases) assigned to Judge Lawrence M. Baskir, Judge Nancy B. Firestone, Judge Lynn J. Bush, or Senior Judge Bohdan A. Futey. Cases assigned to these four judges will be simultaneously assigned to one of four ADR judges: Judge Robert H. Hodges, Judge Marian Blank Horn, Judge Christine O.C. Miller, or Senior Judge Eric G. Bruggink. The goal of the pilot is to determine whether early meetings with a settlement judge will help parties reach a better understanding of their differences and their prospects for settlement. In addition, the pilot will study the value of mediation after the close of discovery. The pilot will also allow the parties to meet with the ADR judge at any other time during litigation to assist the parties in settling the case or narrowing issues for resolution.

Attached is the Second Amended General Order No. 40 ADR Pilot Procedures that will be binding in each case in the pilot program. When parties are notified that their case is assigned to an ADR judge they are directed to review Second Amended General Order No. 40 which establishes the procedures for pilot cases.

IT IS ORDERED, effective this date, that Second Amended General Order No. 40 shall be applied to all ADR pilot cases filed after the date of the order. Second Amended Order No. 40, the ADR Pilot Procedures with the attached ADR Confidentiality Agreement are available online at www.uscfc.uscourts.gov.

Date: 3.17.04

BY THE COURT


Edward J. Damich
Chief Judge