

REFERRAL PROCESS

1. The lawyers select the mediator they want to use.
2. The lawyers contact the mediator and the mediator arranges the mediation. If the mediator is an approved mediator and prefers that a mediation center make the arrangements for the mediation, the mediator will instruct the lawyers on procedures to follow.
3. The lawyers tell the referring judge who they have selected as their mediator and whether they want to stay the case pending mediation.
4. A Mediation Reference Order is then entered.
5. Any party may file an objection to the reference of the case to mediation. A conference will be held by the referring judge to resolve the disagreement(s) raised by the objection. If the judge is unable to resolve the objection to facilitate the mediation, he or she must withdraw the order referring the case to mediation. During the pendency of the objection, the order of reference is automatically stayed.
6. The mediation session is to be held not later than sixty (60) days following the entry of the order of referral.
7. After the mediation, the court is notified whether the case has settled. If so, the parties are given time to file their dismissal documents; if not, the case is reinstated to the active trial docket.
8. If the case was stayed and if the mediation is not successful, the progression order is amended to give counsel approximately the same amount of trial preparation time as was existing at the time of the entry of the Mediation Reference Order.

For more detailed information on the referral process, see the Mediation Plan for the United States District Court District of Nebraska beginning at pg. 3.