

INFORMATION ABOUT MEDIATION FOR INDIVIDUALS WHO ARE NOT REPRESENTED BY A LAWYER

The United States Bankruptcy Court for the Western District of Washington has established a mediation program known as The Honorable Thomas T. Glover Mediation Program. The purpose of mediation is to help to you find a way to resolve your case or adversary proceeding without having to go to trial.

If you are involved in what is called an “adversary proceeding,” which is a lawsuit filed by or against you in a bankruptcy case, you will be required to sign a certificate indicating that you have considered mediation through the mediation program to resolve your dispute. You are *not required* to use mediation; you are merely required to certify that you are aware of mediation as an option.

A trial is expensive and can have unpredictable consequences. Mediation provides a way to settle disputes quickly, at less cost and often without the stress and pressure of litigation. The program offers a means to utilize the services of a trained neutral mediator to assist you and the other parties in the litigation in resolving the dispute.

Matters That May Be Referred to the Program

Mediation is available to all parties, whether or not represented by counsel, with only a few limited exceptions. Creditors and debtors can use mediation. Disputes arising in the main bankruptcy case or in an adversary proceeding are eligible for mediation.

Cost

There is a cost of \$500 per side payable directly to the mediator in exchange for six (6) hours of mediation related services. After six hours of services, a mediator may charge up to \$300 per hour for further mediation services, which fee is to be shared among the parties. **If you are unable to pay this fee, you may be eligible to participate in the mediation free of charge – the mediator will tell you if you qualify for free service under their guidelines.** All of the mediators are required to take two mediations per year for parties who are not represented by a lawyer and who cannot afford the mediation fee.

Procedure for Referring a Matter to the Program

If the judge in your case sets a scheduling or pretrial conference after the case is filed, you have the right to ask the judge to refer the matter for mediation at that conference. Be sure to tell the judge at the conference if you cannot afford the mediation fee.

If no scheduling or pretrial conference is held, you can still participate in mediation if everyone involved in your case agrees to mediate. As a group, you will select the mediator and file a request with the Court to appoint the mediator. The forms are available in the Clerk’s Office and on the Court’s website at www.wawb.uscourts.gov (Link under “Court Information” to the “Thomas T. Glover Mediation Program”). There you will also find biographical information about each of the mediators. Some are lawyers and some are not, and the one you agree upon will be neutral and unbiased. Each has received training by the Court to help you resolve your dispute.

If you have any questions about how to access the Program, you may call the Program Staff Administrator, Gina Zadra Walton, at (206) 370-5207.

Mediation Program Instructions for Pro Se Litigants
Local Form W.D. Wash. Bankr., ADR Form 2A
Eff. 12/19