

Rule 7016-1. Mediation

A. **Order to Mediate.** The court may order the parties to mediate any dispute, contested matter, or adversary proceeding upon motion or on its own initiative. If the court orders mediation on its own initiative, a party may, within seven days, file an objection and request a hearing. The mediation must be completed by the date noted in the order, or if the order does not specify a date, within 14 days.

B. **Mediator.** The parties must select one mediator from the court's mediation panel. The parties may request the court's assistance. If all parties agree, the court may ask a bankruptcy judge from this or another jurisdiction to mediate the dispute.

C. **Costs.** Unless the parties agree or as otherwise ordered by the court, each party must pay an equal share of the mediator's fees and expenses. The Nebraska Federal Practice Fund applies to bankruptcy mediations, as specified in Part II(A)(1)(b) thereof: "Mediation expenses of litigants who, although not proceeding *in forma pauperis* or with appointed counsel, are without adequate funds to pay mediation expenses themselves, as found by the assigned district, bankruptcy, or magistrate judge."

D. **Confidentiality.** All proceedings and writings incident to mediation are privileged and confidential and cannot be reported or placed in evidence. Evidence or information otherwise admissible or subject to discovery does not become inadmissible or protected from discovery solely because it was disclosed or used during mediation.

E. **Mediation Process.** The mediator will establish the mediation process. Within seven days after the mediation, the mediator must file a certification: (a) certifying the parties complied with the mediation order; (b) stating whether a settlement was reached, and, if not, whether mediation efforts continue; and (c) stating whether mediation fees have been paid. No party will be bound by mediation unless the settlement is in writing signed by all parties. If necessary, the parties must file a motion to approve the settlement under Fed. R. Bankr. P. 9019 promptly after settlement is reached.

F. **Mediation Panel.** The clerk will maintain a list of mediators on the mediation panel, which will be available on the court's website. An individual may apply with the clerk to serve on the mediation panel. To serve, an individual must be qualified under the Nebraska Dispute Resolution Act, Neb. Rev. Stat. § 25-2901 *et seq.* and must provide a certificate of training. An appointment to the mediation panel is for five years. A mediator who, while appointed, participated in at least five hours of continuing mediator training may renew their appointment for another five-year period. A mediation center approved by the State of Nebraska may be appointed to the mediation panel, including Nebraska Farm Mediation Act centers (for mediating Chapter 12 and other farm-related disputes) and Nebraska Dispute Resolution Act centers (for mediating Chapter 13 and other consumer disputes)