Ticket Details

Status	**Priority**	**Source**	**Type**
Open	Low	Email	
			Agent
			Joel.biron

by **David L. Herzer** on **Thu, Sep 20 at 11:01 AM** via **Email**

Civil Rules Changes Commentary

My observations or questions about the proposed Rules changes:

16B(h)(1). The requirement now that the ADR Report must contain "all of the terms of the settlement" which, once filed with the Court, become public record contradicts the other confidentiality requirements in the Rule and defeats one of the important motivations for parties to settle in the first place: the ability to control the publication of the settlement's terms. One of its selling points of ADR uttered to parties by mediators thousands of times is that ADR is the last, best chance for them to have some say in the outcome of their dispute. Making it confidential is a significant element of that "say."

47(f)(4)(A). I take the prohibition on "indirectly" contacting a juror by social media NOT to mean that we are prohibited from looking at a publicly published social media pages or profiles of a juror. That does not involve contact with the juror, who does not even know we are looking. Or does the Court intend to prohibit doing that kind of research on jurors?

Thank you.

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