

Notice of Proposed Revisions to Local Rules and Appendices.

COMMENTS REQUESTED BY MAY 5, 2025.

Pursuant to 28 U.S.C. § 2071(b), the United States District Court for the Southern District of Illinois is providing public notice of proposed revisions to its Local Rules and Appendices for comment.

Proposed Revisions:

The Court recently provided public notice of proposed revisions to its Local Rules and Appendices. The notice period for all proposed revisions closed on February 28, 2025. As a result of the comments received, the Court now provides public notice of additional proposed revisions to its Mediation Plan, SDIL-LR Appendix C. Only comments as to the specific additional revisions noted below in blue will be reviewed.

The proposed additional revisions to the Mediation Plan include:

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3.3. SCHEDULING AND LOCATION

A. Scheduling.

1. **Pre-mediation Session Communicationsferences.** Promptly upon being selected or appointed, the mediator shall communicate~~conduct a conference via telephone or video~~, jointly or separately, with counsel and/or any pro se party, ~~to fix the date and place of the requisite mediation session and~~ to address any ~~other~~ issue important to the mediation session at the outset, including, but not limited to, the timing of the mediation session in relation to the posture of the case, who will be in attendance, and whether a demand or request for relief has been discussed. The date and place of the mediation session will be set by the mediator in compliance with the deadlines set by the Court. If any pro se party is incarcerated, the mediator shall make all reasonable attempts to communicate pre-mediation with the pro se party but is not required to do so if it is infeasible.
2. ~~Non-Prisoner Pro Se Cases and Prisoner Civil Rights Cases.~~ Promptly upon being appointed, the mediator shall ~~conduct a conference via telephone or video, jointly or separately, with counsel for represented parties and Special Mediation Counsel, to fix the date and place of the mediation session. If Special Mediation Counsel has not been appointed, the conference shall be conducted with counsel for represented parties and the pro se party. If any pro se party is incarcerated, the mediator shall make all reasonable attempts to conduct a pre-mediation conference with the pro se party but is not required to do so if it is infeasible.~~

B. Location.

1. In-person. ~~In-person m~~Mediation sessions shall be held in the mediator's office, unless otherwise agreed. Space may be available at the U.S. Courthouse upon

request through the Clerk of Court. All such inquiries should be directed to: Mediation@ilsd.uscourts.gov.

4. 2. Remote. The mediator may, in his or her discretion, allow one or more attendees to participate remotely or conduct the entire mediation remotely. The decision as to whether attendance must be in-person or may be remote shall be solely within the discretion of the mediator. Unless excused by the mediator, neutral for good cause shown, when appearing remotely, persons must be visibly present in front of their camera with audio and video turned on whenever the mediator is present so that audio and visual interaction with all participants can occur. Any participant that appears remotely must ensure they are remotely connected in a quiet and secure location that will protect the confidentiality of the mediation and allow meaningful participation.

3.4. MEDIATION MEMORANDUM

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- B. **Prohibition Against Filing.** Mediation ~~M~~emoranda shall not be filed with the Court. ~~The mediator y shall not be or shared~~ Mediation Memoranda with the opposing side without the authoring party's permission, and the Presiding Judge shall not have access to them. They shall be subject to the confidentiality of the mediation process and treated as a document prepared "for settlement purposes only."

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3.6. ATTENDANCE AND PARTICIPATION

- A. **Parties.** All named parties and their counsel (if represented by counsel) are required to attend the mediation session(s). However, the mediator has discretion to decide that a named party's attendance is not required if an individual is in attendance who has full authority to resolve the matter on behalf of the named party and is knowledgeable about the facts and circumstances of the case and the claims being made. ~~The decision as to whether attendance must be in-person or may be via telephone or video conference shall be solely within the discretion of the mediator.~~ Meaningful participation is required; mere availability is not attendance.

Comments, limited to the additional revisions noted in blue above, from the public and bar are requested by **May 5, 2025**. Comments may be sent electronically to LocalRulesSDIL@ilsd.uscourts.gov.