

## Proposed Amendments to Rule 16.1

Rule 16.1 is amended as follows:

### **Rule 16.1.** Court-Annexed Mediation

At any time during the pendency of an action before the United States Court of International Trade, any ~~[A]~~judge or three-~~[A]~~judge ~~[P]~~panel of the ~~[C]~~court may refer the action for mediation. The matter will be referred to a ~~[A]~~judge of the ~~[C]~~court who is not assigned to the action to be mediated, who has consented to serve as a Judge Mediator in the action, and who is not otherwise disqualified to serve in accordance with Title 28 U.S.C. § 455 and the Canons of Judicial Ethics.

At any time, but not less than ~~[thirty (30)]~~ **30** days prior to the scheduled date for the filing of: a motion for summary judgment; a motion pursuant to USCIT Rules 56.1 or 56.2; or trial (whichever first occurs), any party may move for the referral to mediation of an action pending before the court.

The USCIT Guidelines for mediation set forth in full the procedures to be followed in actions referred to mediation. The Judge Mediator and all parties and counsel participating in a session of mediation are bound by the confidentiality provisions set forth within the Guidelines. The Guidelines ~~[shall]~~**will** have the same force and effect as the provisions of this Rule.

(Added Sept. 30, 2003; eff. Jan. 1, 2004; \_\_\_\_\_, **2008**; eff. \_\_\_\_\_ **2009**.)

### **Advisory Committee Note**

The text of this rule has been slightly amended to reflect the stylistic changes of the revised Fed. R. Civ. P., but has not changed in substance.