

SCHEDULE TO PART 27

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Draft order for alternative dispute resolution

1. On or before [*] the parties shall exchange lists of 3 neutral individuals who are available to conduct alternative dispute resolution procedures in this case prior to [*]. Each party may [in addition] [in the alternative] provide a list identifying the constitution of one or more panels of neutral individuals who are available to conduct alternative dispute resolution procedures in this case prior to [*].
2. On or before [*] the parties shall in good faith endeavour to agree a neutral individual or panel from the lists so exchanged and provided.
3. Failing such agreement by [*] the Case Management Conference will be restored to enable the Court to facilitate agreement on a neutral individual or panel.
4. The parties shall take such serious steps as they may be advised to resolve their disputes by alternative dispute resolution procedures before the neutral individual or panel so chosen by no later than [*].
5. If the case is not finally settled, the parties shall inform the Court by letter prior to [production of documents/exchange of witness statements/exchange of experts' reports] what steps towards alternative dispute resolution have been taken and (without prejudice to matters of privilege) why such steps have failed. If the parties have failed to initiate alternative dispute resolution procedures, the Case Management Conference is to be restored for further consideration of the case.
6. [Costs].

Note: The term "alternative dispute resolution procedures" is deliberately used in the draft alternative dispute resolution order. This is in order to emphasise that (save where otherwise provided) the parties are free to use the alternative dispute resolution procedure that they regard as most suitable, be it mediation, early neutral evaluation, non-binding arbitration, etc.