

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA  
www.flsb.uscourts.gov**

In re:

**Adoption of Interim  
Local Rule 7016-1**

**Administrative Order 2024-05**

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The Court has determined that Local Rule 7016-1 should be amended to add provisions addressing the appointment of bankruptcy judges (including recalled bankruptcy judges) to act as settlement judges to assist in the possible resolution of disputes. Accordingly, effective October 15, 2024, it is ORDERED as follows:

(1) Local Rule 7016-1 is amended by substituting the following as Interim Local Rule 7016-1:

**Rule 7016-1. Pretrial Procedure.**

(a) **Scheduling Conference Orders.** The clerk will electronically generate and docket the “Order Setting Scheduling Conference and Establishing Procedures and Deadlines” in each adversary proceeding and transmit it to the plaintiff who must serve the order together with the summons and complaint on all defendants in accordance with the federal and local rules.

(b) **Pretrial Conferences for Purposes of Settlement in Adversary Proceedings and Contested Matters.**

(1) **Appointment Order.**

Upon a motion, oral request, stipulation, or *sua sponte* decision, the judge (including recalled judges) presiding over any bankruptcy case or adversary proceeding may appoint another judge (including a recalled judge) from any judicial district willing to act as settlement judge to assist in the possible resolution of disputes.

(2) **Judicial Immunity and Other Protections.**

Fed. R. Bankr. P. 7016, incorporating Fed. R. Civ. P. 16(c)(2)(I), applies in each adversary proceeding or contested matter in which a settlement judge is appointed. Fed. R. Bankr. P. 9014(c). The appointment of a settlement judge is an assignment of the subject matters by the presiding judge to the settlement judge solely for the purpose of convening “pretrial conferences” with a goal to reach a settlement. Each settlement judge is so appointed because of a judicial position as a United States Bankruptcy Judge and acts in such capacity. By serving as a settlement judge, such judge performs judicial duties. Accordingly, each settlement judge and all judiciary employees assisting a settlement judge have full, unqualified judicial immunity, as well as all other privileges, immunities, and protections accorded to a United States Bankruptcy Judge and to judiciary employees, regarding any matters arising from or related to such judge’s role as settlement judge.

By participating in the settlement process with a settlement judge, all parties automatically:

(i) waive and are unable to assert against the settlement judge or any judiciary employees assisting with the settlement process any claims or causes of action that arise from or relate to the settlement process; and

(ii) waive and are unable to seek to compel from the settlement judge or from any judiciary employees assisting with the settlement process any oral or written testimony, document production (including, without limitation, any records, reports, summaries, notes, communications, or other documents received or made by the settlement judge or any judiciary employees while serving in such capacity), or other participation whatsoever in any judicial, arbitral, or other proceeding of any kind.

The settlement judge may, in the settlement judge's sole discretion, require that the parties sign an agreement memorializing the above understandings, among other provisions, before agreeing to serve as a settlement judge.

**(3) Disqualification.**

No judge may serve as a settlement judge if that judge would be disqualified (a) under 28 U.S.C. § 144 if that judge were a district judge presiding over the matter or proceeding, or (b) under 28 U.S.C. § 455 if that judge were a justice, judge, or other judicial officer presiding over the matter or proceeding, in each case unless the parties consent in writing after disclosure.

(2) All cross-references in the Local Rules to Local Rule 7016-1, including any references contained in the official comments and in all court forms, guidelines, and clerk's instructions, are deemed to refer to Interim Local Rule 7016-1.

(3) The Clerk is directed to provide notice of entry of this Order and to update the Local Rules as published by this Court to reflect Interim Local Rule 7016-1.

ORDERED in the Southern District of Florida, this 15<sup>th</sup> day of October, 2024.



Erik P. Kimball  
Chief U.S. Bankruptcy Judge

cc: All SDFL Bankruptcy Judges  
Joseph Falzone, Clerk of Court