

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF KANSAS
STANDING ORDER NO. 17-2
AUTHORITY TO USE BAR REGISTRATION AND DISCIPLINARY FUNDS FOR
BANKRUPTCY MEDIATION ONE-YEAR PILOT PROGRAM**

The Bankruptcy Court and District Court Bench Bar Committees have recommended the adoption of this Order to use up to \$10,000 of Bar Registration and Disciplinary Funds to create a one-year pilot program that will subsidize the mediation expenses of litigants who, although not necessarily proceeding *in forma pauperis*, are without adequate funds to pay bankruptcy mediation expenses themselves. In consideration of the foregoing, and pursuant to D. Kan. Rule 83.1.2(a), D. Kan. Rule 83.5.3, D. Kan. LBR 9019.2, and District of Kansas Standing Order 17-1 (Aug. 21, 2017), the Court orders that the following changes to D. Kan. LBR 9019.2 be deemed for the period of the pilot beginning January 1, 2018, and ending December 31, 2018:

D. Kan. LBR 9019.2:

(a) General Guidelines for Alternative Dispute Resolution Processes. [no change]

(b) Payment Procedures for Court-Approved Mediation in Bankruptcy Cases One-Year Pilot Program.

(1) Allowable Expenses. Allowable expenses include the cost of the mediation session at the rate negotiated by counsel and the mediator, plus mileage expenses if the mediator is required to travel, that the party is unable to pay, and that are not otherwise recovered in the action. The mediator's negotiated fee (including mileage) shall be divided equally between the parties unless otherwise agreed to and approved by the court.

(2) Payment Procedure. To qualify for payment, the mediation, as well as all expenditures, must be approved in advance by the court. Before incurring any reimbursable expense, the party must:

(A) complete a form, which is available from the clerk; and

(B) secure the requisite prior approval, in writing, by the bankruptcy judge to whom the case is assigned and, when required, by the chief bankruptcy judge.

(3) Who Must Approve Expenditures. The presiding judge may approve expenditures that total less than \$750, for the entire mediation. The chief judge of the court must approve expenditures that reach or exceed \$750.

(4) Amount of Payment. The District Court Clerk will pay the mediator such amount as the court approves.

(5) Any payment from the Bar Fund must be repaid if money is recovered in the settlement, unless waived by the court.

IT IS SO ORDERED this 10th day of September, 2017.

s/ Janice Miller Karlin
JANICE MILLER KARLIN
Chief Judge

s/ Robert E. Nugent
ROBERT E. NUGENT III
Judge

s/ Dale L. Somers
DALE L. SOMERS
Judge

s/ Robert D. Berger
ROBERT D. BERGER
Judge