

Rule 13. Failure to Appear for Conference or Trial

(a) Absence at trial. The unexcused absence of a party or a party's counsel when a case is called for trial shall not be the occasion for delay. In the discretion of the Court, the case may be dismissed for failure to prosecute, or the trial may proceed and the case be regarded as submitted on the part of the absent party or parties.

(b) If counsel or an unrepresented party fails to appear at any conference scheduled by the Court or for trial, or fails to comply with any scheduling order entered by the Court, or fails to appear for or participate in good faith in any alternative dispute resolution session, the Court may dismiss the case with or without prejudice, or take such other action, including the award of attorney's fees and reasonable expenses, and the imposition of any such other penalties and sanctions, as it deems appropriate.

COMMENT

This Rule makes clear the authority of the Court to deal with the problem of parties who fail to appear for trial or at pretrial or status conferences, and prescribes sanctions for failure to comply with scheduling orders or to participate in an alternative dispute resolution session in good faith.