Settlement Conference Requests:

I. Judicial Acceptance of Settlement Conference

Judge LaBarre receives a number of requests for Settlement Conferences, and in view of the limitations of his schedule and the workload of the Court, not all requests can be granted. Therefore, preliminary screening of Settlement Conference Requests is necessary. For those requests which are accepted and scheduled, Judge LaBarre will require detailed confidential settlement submissions one week prior to the Conference. Information on required submissions will be sent out to counsel on those requests which are accepted.

II. Information

a. Case Number(s): _____

b. Case Name: _____

c. Type of Case: _____

d. Total Amount of time being requested for Settlement conference _____ Hours

e. Date(s) and start time requested: _____

f. Attorney Requesting Conference: _____
(Name and party represented)

g. Contact Person requesting Conference: _____

h. Contact phone number , fax & e-mail address: _____

i. Insurance Companies (if applicable) which may be paying into any settlement :
_____

Settlement Status

Amount of prayer in the complaint and in any counter claims: _____

Past Settlement offers exchanged? Yes ____ No ____

Prior Settlement Discussions (Please describe in detail what has occurred. Please use additional pages if needed. If nothing has occurred, please indicate "nothing").

_____

_____

Most Recent Offers: Plaintiff(s) $_____ Defendant(s) $_____

Has any party indicated that it is unlikely it will move off of its prior offer? Yes ___ No ___

"A party requesting a conference shall certify that reasonable efforts to achieve settlement have been attempted by the parties and that they have been unable to resolve the controversy without the court's assistance." (SLR 6.012) Have such efforts been made? Yes ___ No ___

Have plaintiff and defense counsel agreed to provide the personal appearance of all decision makers including supervisory level insurance adjuster in attendance at Settlement Conference?
Yes ____ No ____

Plaintiff Counsel Name(s): _____

Firm: _____

Contact Name: _____

Contact Phone Number: _____

Defense Counsel Name(s): _____

Firm: _____

Contact Name: _____

Contact Phone Number: _____

Please return to Pam Burns, Judicial Assistant 503-276-0946 (fax) and you will be notified about whether this Settlement Conference request can be accepted as soon as possible. Scheduling will then take place.

_____

SLR 6.012 PRE-TRIAL SETTLEMENT CONFERENCE PROCEDURES

The following procedures shall apply to pre-trial conferences in all pending civil and domestic relations cases, when ordered by the Court pursuant to UTCR 6.010, 6.200, or requested by a party or the party's attorney:

(1) If one party requests a pre-trial settlement conference, the settlement conference shall be held and shall be conducted according to the procedures set forth in this rule. Except in the case where the Court orders a conference, the pre-trial settlement conference will not be required if the opposing party demonstrates good cause why the settlement conference should not be held. **A party requesting a conference shall certify that reasonable efforts to achieve settlement have been attempted by the parties and that they have been unable to resolve the controversy without the court's assistance.**

(3) Each trial attorney and party or representative of a corporation or insurance company who has full authority to settle and compromise the litigation shall personally appear at the pre-trial settlement conference. However, the assigned judge may permit telephone appearances in lieu of personal appearance for good cause.

SLR 7.075 PARTICIPATION IN APPROPRIATE DISPUTE RESOLUTION

(1) Every civil and family law case shall be subject to subsection (2) of this rule.

(2) All parties and their attorneys, if any, are required to participate in some form of appropriate dispute resolution, beyond negotiation directly or indirectly to reach a joint settlement, including, but not limited to, arbitration, mediation or judicial settlement conference. The parties must sign and file, within 270 days from the filing of the first complaint or petition in the action, a certificate (See Form 05-31, Page 99, Appendix of Forms) indicating that the parties have participated in such ADR mechanisms. If the action is fully disposed of in the circuit court within 270 days from the filing of the first complaint or petition in the action, no certificate need be filed under this rule.

(3) The requirements of this rule shall not require mediation or arbitration of a case otherwise exempt from arbitration or mediation requirements by statute, but the parties and attorneys, if any, of any case so exempted shall be required to participate in a judicial settlement conference.

(4) The court may impose sanctions pursuant to UTCR 1.090 against any party who fails to comply with subsection (2) of this rule, or who (A) fails to attend a scheduled mediation session, arbitration hearing or judicial settlement conference;

(B) fails to act in good faith during the mediation, arbitration or judicial settlement conference;

(C) fails to submit on a timely basis paperwork required as a part of the mediation, arbitration or judicial settlement conference; or

(D) fails to have a principal necessary to approve the resolution of the case present or readily available, by telephone or other means, at the time of the mediation, arbitration or judicial settlement conference, unless, in advance, the court grants the party or attorney leave from compliance with this subsection of the rule.

PREPARATION FOR SETTLEMENT CONFERENCE

All communications made in connection with the settlement conference are confidential and will not be disclosed to anyone. Any documents requested and submitted for settlement conference will be maintained in chambers and will be destroyed after the conference.

PRE-CONFERENCE LETTER REQUIREMENT

Pre-Conference letters shall be submitted to the Court and received no less than two (2) weeks in advance of the settlement conference. The attorneys for each party shall submit to Judge LaBarre a letter, no more than three (3) pages in length. No pictures, no exhibits, no medical reports are requested.

It is not intended that this Pre-Conference letter be a legal brief, nor should it be a detailed argument of the parties' legal position**.** Rather, it should be the attorney's candid evaluation of the crucial issues, the obstacles to resolution, and a proposed "road map" on how the case should be resolved. The letter should be just a simple, straight-forward, to-the-point letter, three (3) pages or less**.** It may include details as to what factors have made resolution difficult without the Court. Such information might include personality conflicts, any policy considerations and other outside influences. The purpose of the letter is not intended to invite legal positioning but is to assist the Court and attorneys in the development of settlement objectives. Pre-conference letters need not be sent to opposing counsel.

THE SETTLEMENT CONFERENCE

All plaintiffs, uninsured defendants and claim representatives (*read: supervisory level or above*) with authority to settle the case must attend. **Supervisory level claims personnel are required and must appear in person**. If the defendant is insured and the claims representative is present, it is not necessary that the defendant attend the conference unless the policy of insurance requires the defendant's permission to settle. If there is a health insurance carrier who is claiming an off-set for future benefits, a representative of that carrier is required to attend the conference. If you are unable to convince the carrier to attend, please contact this office and we will notify them of their required attendance.

If there are any third party liens or subrogated interests, the amounts thereof should be determined with certainty before the conference. **It is suggested that third party claims personnel be available by telephone** if such interests need to be considered and resolved in order to effectuate the settlement.

Jerome LaBarre, Circuit Court Judge
Multnomah County Courthouse
1021 SW Fourth Avenue
Portland, OR 97204

Telephone: (503) 988-3348
Facsimile: (503) 276-0946
(No more than 3 pages to be faxed)