

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

By noon on the day before the settlement conference the attorneys for each party shall submit to the judge a letter, no more than three pages (3) pages in length.

It is not intended that this letter be a legal brief, nor should it be a detailed argument of each party's legal position. Rather, it should be the attorney's candid evaluation of the crucial issues, the obstacles to resolution, and a proposed road map for how the case should be resolved.

The letters must include: 1) 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. 2) A statement describing settlement negotiations to date. **SOME FACE-TO-FACE NEGOTIATIONS BETWEEN THE PARTIES MUST PRECEDE ANY JUDICIAL SETTLEMENT CONFERENCE.** 3) A statement of the realistic compromise that would be acceptable to the client to resolve the case.

PRE-CONFERENCE LETTERS NEED NOT BE SENT TO OPPOSING COUNSEL.

THE SETTLEMENT CONFERENCE

All plaintiffs, uninsured defendants and claims representatives 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 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 settlement.

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