

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

	)	CASE NO. 5:00CV0000
	)	
Plaintiff,	)	
	)	JUDGE JOHN R. ADAMS
vs.	)	
	)	
	)	<u>STANDING ORDER SCHEDULING</u>
Defendant.	)	<u>SETTLEMENT CONFERENCE AND</u>
	)	<u>PREPARATION REQUIREMENTS</u>

This case has been scheduled for a settlement conference before United States District Judge John R. Adams on **Tuesday, Month Day, 2004 at 1:30 p.m.**, in **Room 526 U.S. Courthouse, 2 South Main Street, Akron**. All parties (if a party is a corporation, a representative of the corporation with knowledge of the facts and full settlement authority), a representative with full settlement authority of any insurance carrier for a party, and lead counsel of record are hereby **ORDERED to appear.**

**I. SETTLEMENT CONFERENCE PREPARATION**

Over 95% of all civil cases settle prior to trial. Therefore, settlement preparation should be treated as seriously as trial preparation. Planning is essential because the party who is best prepared generally obtains the best result. The Court has found that the following steps are essential to a successful settlement conference.

**A. FORMAT**

**1. PRESETTLEMENT CONFERENCE DEMAND AND OFFER**

A settlement conference is more likely to be productive if, before the conference, the parties have had a written exchange of their settlement proposals. Accordingly, at least fourteen (14) calendar days prior to the settlement conference, Plaintiff's counsel shall submit a written itemization of damages and settlement demand to Defendant's counsel, with a brief explanation of why such a demand is appropriate. No later than seven (7) calendar days prior to the settlement conference, Defendant's counsel shall submit a written offer to Plaintiff's counsel with a brief explanation of why such offer is appropriate. On occasion, this process will lead directly to a settlement.

If settlement is achieved, counsel shall immediately notify the Court at **330-375-5900**.

If settlement is not achieved, Plaintiff's counsel shall deliver or fax copies of these letters to Judge Adam's chambers **no later than 4:00 p.m. on 0/00/00**. The parties may also take opportunity of this deadline to fax to chambers a brief (1-2 page) letter setting forth any subsequent communications between counsel, outstanding discovery issues or pending motions, or any other information (confidential or otherwise) counsel think might be helpful in settling this case. The Court's fax number is **330-375-5875**. Do not file copies of these letters in the Clerk's Office.

## **2. ATTENDANCE OF PARTIES REQUIRED.**

**Lead counsel of record and parties with ultimate settlement authority must be personally present.**

A representative of an uninsured corporate party with knowledge of the facts and authority to settle the matter up to the amount of the opposing parties' existing settlement demand or offer must be present.

An insured corporate party shall appear by (1) a representative of the corporation with knowledge of the facts and (2) a representative of the insurer who is authorized to negotiate, and who has authority to settle the matter up to the limits of the opposing parties' existing settlement demand.

Having a client with authority available by telephone is not an acceptable alternative, except under the most extenuating circumstances and only with the court's leave at least seven (7) days prior to the settlement conference. Because the Court generally sets aside at least two hours for each conference, it is impossible for a party who is not present to appreciate the process and the reasons which may justify a change in one's perspective towards settlement.

## **3. MEDIATION FORMAT.**

The Court will generally use a mediation format: opening presentations by each side followed by a joint discussion and private caucusing by the Court with each side. The Court expects both the lawyers and the party representatives to be fully prepared to participate. The Court encourages all parties to keep an open mind in order to re-assess their previous positions and to find creative means for resolving the dispute.

#### **4. STATEMENTS INADMISSIBLE.**

Statements made by any party during the settlement conference will not be admissible at trial. Parties are encouraged to be frank and open in their discussions. The Court expects the parties to address each other with courtesy and respect.

#### **B. ISSUES TO BE DISCUSSED AT SETTLEMENT CONFERENCE**

Parties should be prepared to discuss the following at the settlement conference:

1. What are your objectives in the litigation?
2. What issues (in and outside of this lawsuit) need to be resolved? What are the strengths and weaknesses of your case?
3. Do you understand the opposing side's view of the case? What is wrong with their perception? What is right with their perception?
4. What are the points of agreement and disagreement between the parties? Factual? Legal?
5. What are the impediments to settlement?
6. What remedies are available through litigation or otherwise?
7. Are there possibilities for a creative resolution of the dispute?
8. Do you have adequate information to discuss settlement? If not, how will you obtain sufficient information to make a meaningful settlement discussion possible?
9. Are there outstanding liens? Do we need to include a representative of the lienholder?

**C. INVOLVEMENT OF CLIENTS**

For many clients, this will be the first time they have participated in a court supervised settlement conference. Therefore, counsel shall provide a copy of this Standing Order to the client and shall discuss the points contained herein with the client prior to the settlement conference.

**IT IS SO ORDERED.**

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**John R. Adams**  
**United States District Judge**