

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

**FILED**

**JUN 16 1987**

CLERK, U. S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

BY DB

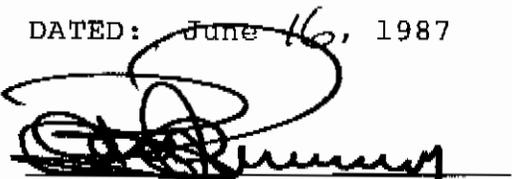
IN RE: )  
 )  
ORDER AMENDING LOCAL RULE )  
270, COURT SETTLEMENT )  
CONFERENCES )  
\_\_\_\_\_ )

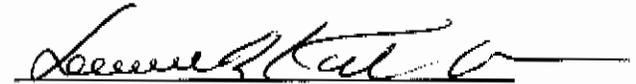
**GENERAL ORDER NO. 218**

Good cause appearing:

IT IS ORDERED that the amendment to Local Rule  
270 detailed in the attachment hereto is hereby adopted.

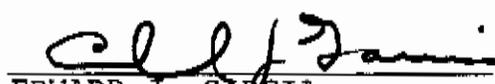
DATED: June 16, 1987

  
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RAUL A. RAMIREZ  
U.S. DISTRICT COURT JUDGE

  
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LAWRENCE K. KARLTON, CHIEF  
U. S. DISTRICT COURT JUDGE

  
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ROBERT E. COYLE  
U.S. DISTRICT COURT JUDGE

  
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MILTON L. SCHWARTZ  
U.S. DISTRICT COURT JUDGE

  
\_\_\_\_\_  
EDWARD J. GARCIA  
U.S. DISTRICT COURT JUDGE

  
\_\_\_\_\_  
EDWARD DEAN PRICE  
U.S. DISTRICT COURT JUDGE

LOCAL RULE 270

(a) Setting of Settlement Conferences. A settlement conference shall be held in all cases unless otherwise ordered by the Court on objection of a party or for other good cause. Counsel shall notify the Court when the settlement conference is set if the litigation is unusual or complex and if there is a need to provide for additional time or special arrangements to ensure that the settlement conference will be meaningful.

(b) Settlement Conferences Before the Assigned Judge or Magistrate. Unless all the parties affirmatively request that the assigned Judge or Magistrate participate in the conference and waive in writing any claim of disqualification on that basis to try the case thereafter, the assigned Judge or Magistrate shall not conduct the settlement conference.

(c) Settlement Conference Statements. Unless otherwise ordered by the Court, the submission of settlement conference statements prior to the conference is optional. Statements submitted prior to the conference are reviewed in preparation for the conference and may assist in achieving the goals of the conference; they should be drafted with that purpose in mind.

(d) Confidentiality of Settlement Conference Statements. Settlement conference statements shall not be disclosed to the assigned Judge or Magistrate. Unless otherwise ordered by the Court, settlement conference statements may, at the option of submitting counsel, be submitted in confidence to the Judge or Magistrate before whom the settlement conference is to be held,

or may also be delivered to all other parties. In the former case, the statement must be clearly captioned to reveal its confidential character and a simple notice of its submission shall be provided to all other parties.

(e) Delivery and Return of Settlement Conference

Statements. Settlement conference statements shall be delivered directly to the chambers of the Judge or Magistrate before whom the settlement conference is to be held, either by mail addressed to that chambers or by sealed envelope delivered to the Clerk's Office specifically addressed to that chambers. At the completion of the settlement conference, the Judge or Magistrate before whom the settlement conference is held shall return the statements to the respective parties who submitted them or otherwise dispose of them.

(f) Participation of a Principal

1) In cases in which the United States is not a party, counsel shall be accompanied in person, unless specifically permitted otherwise by the Judge or Magistrate conducting the settlement conference, by a person capable of disposition, or shall be fully authorized to settle the matter at the settlement conference on any terms. When counsel cannot comply with this Rule because settlement must be approved by a formal vote, counsel shall be accompanied in person, unless specifically permitted otherwise by the Judge or Magistrate conducting the settlement conference, by a member of the voting body who shall have informally consulted with the body prior to the settlement

conference for the purpose of becoming informed of the voting body's preconference disposition relative to settlement.

2) In cases in which the United States is a party, the attorney for the United States shall obtain the approval of the United States Attorney to compromise any matter within the authority delegated to the United States Attorney by rule or regulation of the Attorney General. If such delegated authority to approve a compromise settlement is limited by the opposition of another federal agency, a responsible and knowledgeable representative of such agency shall attend the conference. In other cases, in which the approval of officials of the Department of Justice in Washington, D.C. is required for a compromise settlement, the attorney for the United States shall, before the settlement conference, attempt to confer with such officials, or their appropriate representatives, to determine the terms and conditions upon which a compromise settlement would be approved. If a tentative compromise settlement that is within such terms and conditions is agreed to at the conference, the attorney for the United States shall promptly recommend it to and see the required approval of the appropriate official.