

SETTLEMENT CONFERENCE PROCEDURES
MAGISTRATE JUDGE CAROLYN K. DELANEY

1. Submission and Content of Confidential Settlement Conference Statements

The parties are to send Confidential Settlement Conference Statements to the following email address: CKDorders@caed.uscourts.gov, no later than seven (7) days before the conference. Additionally, each party shall file a Notice of Submission of Confidential Settlement Conference Statement on the public docket (See L.R. 270 (d)).

Settlement Statements shall include the following:

- a. A brief summary of the core facts, allegations, and defenses.
- b. A summary of the proceedings to date.
- c. An estimate of the cost and time to be expended for further discovery, pretrial, and trial.
- d. The nature of the relief sought.
- e. An outline of past settlement efforts including information regarding the history of past settlement discussions, offers, and demands.
- f. A statement and explanation of any impediments to settlement.
- g. In prisoner cases, the amount of any restitution owed by the plaintiff.

2. Attendance of Trial Counsel and Parties Required

The attorneys who will try the case and parties with full and complete settlement authority are required to personally attend the settlement conference.¹ An insured party shall appear by a representative of the insurer who is authorized to negotiate, and who has authority to

¹Insurance carriers, business organizations, and governmental bodies or agencies whose settlement agreements are subject to approval by legislative bodies, executive committees, boards of directors or the like shall be represented by a person or persons who occupy high executive positions in the party organization and who will be directly involved in the process of approval of any settlement offers or agreements. To the extent possible, the representative shall have the authority, if he or she deems it appropriate, to settle the action on terms consistent with the opposing party's most recent demand.

settle the matter up to the limits of the opposing parties' existing settlement demand. An uninsured corporate party shall appear by a representative authorized to negotiate, and who has authority to settle the matter up to the amount of the opposing parties' existing settlement demand or offer.

It is difficult for a party who is not present to appreciate the process and the reasons that may justify a change in one's perspective toward settlement. Accordingly, having a client with authority available by telephone is *not* an acceptable alternative, except under the most extenuating circumstances, and must be approved in advance by the judge.

3. Issues to Be Discussed

The parties shall be prepared to discuss the following at the settlement conference:

- a. The strengths and weaknesses of their case.
- b. Their understanding of the opposing side's view of the case.
- c. Their points of agreement and disagreement (factual and legal).
- d. Any financial, emotional, and/or legal impediments to settlement.

4. Statements Inadmissible

Statements made by any party during the settlement conference are not to be used in discovery and will not be admissible at trial.

5. Procedures upon Settlement

If the parties are able to reach a settlement, the general terms shall be placed on the record immediately. In most cases, all pending dates will be vacated, and the court will order that dispositional documents be filed within 60 days so that the case may be closed.

6. Questions

If you have any questions specific to your case, you may contact Judge Delaney's courtroom deputy, Lisa Kennison, by email at lkennison@caed.uscourts.gov, or by phone at (916) 930-4004.