

**MEDIATION AND NEUTRAL CASE EVALUATION PROCEDURES
AND
CONFIDENTIAL SETTLEMENT STATEMENT**

Extensive experience throughout the country has shown that a high percentage of civil cases referred for mediation or neutral evaluation are amicably settled without the need for an expensive and time-consuming trial. The likelihood of settlement is enhanced when *all* parties to the lawsuit meet face-to-face for discussions in the presence of a neutral party. This is true even where an insurance company is involved. The Court has therefore instituted the following procedures for all cases ordered to participate in mediation or neutral case evaluation. Parties and counsel are cautioned that sanctions may be imposed on those who do not comply.

**I
SCHEDULING AND ATTENDANCE**

1. All parties and their attorneys must appear at the mediation or case evaluation conference set by the Multi-Door Dispute Resolution Division in accordance with the Scheduling Order entered in the case. A notice scheduling this case before a particular mediator or evaluator will be sent to you approximately 60 days before the scheduled conference date. Any counsel or party not available on this date must arrange a new date with the Civil Assignment Office prior to the date indicated on the notice as “CSS Return,” (deadline for the filing of the Confidential Settlement Statement). (See form Below.) Any request for continuance made after that date must be by motion to the assigned Judge and for good cause. Counsel scheduled to attend two sessions on the same date and time should immediately call the Civil Assignment Office at 202-879-1751 to reschedule. (Parties not represented by counsel need not secure an attorney for the mediation or neutral evaluation conference.) You may contact the Multi-Door Dispute Resolution Division at 202-879-1557 with questions regarding the mediation, case evaluation conference, or the Confidential Settlement Statement.

2. Any party or attorney who believes that he or she has been incorrectly notified to appear for mediation or case evaluation must contact the Civil Clerk’s Office and provide the appropriate documentation. Where no such action is taken, the party or counsel will be required to participate fully in the mediation or case evaluation.

3. Corporations, partnerships and other business or governmental entities must bring an officer, partner or other individual with settlement authority to the mediation or case evaluation conference, unless previously excused by the Judge, mediator or neutral evaluator. If counsel appears without such an individual, counsel must have full settlement authority.

4. With prior approval of the Judge, mediator or neutral evaluator, an insurance representative with full settlement authority may attend the conference in place of the insured party.

5. If settlement must be approved by a claims supervisor, government official or other person not present at the conference, *counsel* is personally responsible for having that person available by telephone during the session.

6. A party residing outside the local metropolitan area, who has been excused from attending by the Judge, mediator, or neutral evaluator, may be available by long-distance collect telephone call. Counsel must advise the Multi-Door Division prior to the mediation or case evaluation conference of any such arrangement and provide the name of the individual party who will be available by telephone.

II CONFERENCE PROCEDURES

1. Prior to the conference, each party must complete the attached "Confidential Settlement Statement" and file it with the Multi-Door Dispute Resolution Division, Superior Court Building A, 515 5th St., N.W., Suite 105, Washington, D.C. 20001, by the "CSS Return" date indicated on the scheduling notice. **DO NOT SEND COPIES OF THE CONFIDENTIAL STATEMENT TO THE CLERK, THE ASSIGNED JUDGE, OR TO THE OTHER PARTIES.** A party who fails to file the Statement on time may be ordered to appear and show cause why sanctions should not be imposed. Counsel may file one settlement statement for all the parties he or she represents, provided that all those parties are clearly and expressly indicated on the statement.

2. If the case settles prior to the conference, the original and one copy of the praecipe or document disposing of the case should be filed with the clerk's office. A copy must also be sent to the Multi-Door Dispute Resolution Division in lieu of a Confidential Settlement Statement. Counsel must be certain to inform the Multi-Door Division of settlements occurring prior to the mediation or case evaluation conference.

3. Both mediation and neutral evaluation sessions are confidential. The participants will be asked to sign the attached "Statement of Understanding" at the beginning of the session confirming their understanding of the session's confidential nature. All proceedings at the mediation or case evaluation conference, including any statement made by any party, attorney or other participant, are privileged. They may not be construed as an admission against interest and nothing said at such sessions may be used in court in connection with the case or any other litigation. No party is bound by anything said or done at the mediation or case evaluation conference unless a settlement is reached and a settlement praecipe is filed with the Court.

4. **Mediation.** If the case is set for mediation, the mediator will meet initially with all the parties and counsel. He or she may then meet with each side privately as necessary to clarify important issues and to allow parties to reveal in confidence the factors viewed as critical to settlement. Through a series of meetings with the parties, individually and together, the mediator will try to facilitate an agreement that will satisfy the interests of all concerned.

5. **Neutral Evaluation.** If the case is set for neutral evaluation, counsel or *pro se* parties will be expected to present a summary of the factual and legal arguments of their case. The evaluator will help the parties identify the issues in dispute and provide a non-binding opinion of the settlement value of the case, including the likelihood of liability and the likely range of damages. The parties are encouraged to continue settlement discussions with or without the evaluator's further assistance.

6. If the case is settled at the time of mediation or neutral case evaluation, a copy of the settlement praecipe or other document memorializing the settlement should be filed promptly with the Multi-Door Division case manager. The parties may obtain court approval of a settlement by calling the assigned judge's chambers to make the necessary arrangements. Please note that settlements involving minors require judicial approval. See 21 D.C. Code § 120 (1989 ed., 1989 Repl. Vol.).

7. If the case does not settle, it will proceed to pretrial conference and trial as directed by the governing scheduling order.

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
MULTI-DOOR DIVISION**

CONFIDENTIAL SETTLEMENT STATEMENT

The General Mediation and Case Evaluation Order requires each party to file this Confidential Settlement Statement (CSS) with the Multi-Door Dispute Resolution Division, Superior Court Building A, 515 5th St., N.W., Suite 105, Washington, D.C. 20001 (202-879-1557). The statement must be filed by the "CSS Return Date" indicated on the mediation scheduling notice. You will receive this notice approximately 60 days prior to the mediation or case evaluation conference. *Parties and counsel are cautioned that sanctions may be imposed on those who do not file the statement by the due date.*

Do not send a copy of the statement to opposing counsel or attach a certificate of service. The completed CSS may be mailed or delivered to the Multi-Door Division, but cannot be accepted by fax. Delivery must be made between the hours of 8:30 am and 5:00 pm; *there is no after-hours filing box for CSS forms.* Do not deliver CSS forms to the Civil Division or any after-hours filing box. Proper filing with the Multi-Door Division will ensure that the CSS remains confidential and is not filed in the Court's case jacket nor shown to anyone other than the mediator or case evaluator assigned to the case.

Please be candid in your responses; this information is important to the mediation or case evaluation process. Responses need not be confined within the spaces provided. You are encouraged to attach additional pages or recreate the form, using the same questions, and expand as much as needed.

If the case has been settled, a settlement praecipe must be filed in the Civil Clerk's Office with a copy sent to the Multi-Door Dispute Resolution Division, in lieu of the statement.

Thank you.

CONFIDENTIAL SETTLEMENT STATEMENT

Multi-Door Dispute Resolution Division

Judge _____ Calendar # _____

Case Number _____

Case Caption _____

This case is scheduled for a:

Mediation Conference on _____ at 9:00 11:00

or

Case Evaluation Conference on _____ at 9:00 11:00

Check Case Type: Personal Injury Contract Other _____

Special Mediator Expertise Needed: _____

(please specify)

Submitted by:

Check one

Attorney or *Pro Se* Party

Plaintiff Defendant
3rd party Plaintiff
3rd party Defendant

Firm

Address

City State Zip

Telephone

List below the names of all parties you represent. (Attach an additional page if necessary). The filing of one settlement statement will suffice for all of the parties that you represent in this matter, provided all of the parties are listed.

Name of party

Defendant Only: (including Counter-Defendant)

1. Describe the facts of the case and the contentions of the opposing party(ies) as you understand them:

2. Describe the defenses or counterclaims being raised:

3. Describe any settlement offers that have been made, and the current status of settlement discussions:

4. How do you assess the value of this case for settlement purposes?

minimum \$ _____ maximum \$ _____

5(a). What additional information, if any, is required by you in order to engage in meaningful settlement negotiations?

5(b). Describe any pending motions:

6(a). Are the claims at issue covered by insurance? yes no

6(b). If yes, what are the policy limits?

6(c). If yes, please identify the insurance company and the name of the claims representative or any other entities who must approve any settlement, and indicate their availability during the session.

In-Person

By Phone

name and title

7. For purposes of mediation, is liability at issue?

yes no

Signature

Date