

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

MEDIATION PROCEDURES for Attorneys

The Court has instituted the following procedures for all cases ordered to participate in mediation. Parties and their attorneys are cautioned that sanctions may be imposed on those who do not comply.

Requirements to prepare for mediation

1. All parties are required to appear for mediation: All attorneys and their clients are required to appear for mediation at the Multi-Door Dispute Resolution Division in accordance with the Scheduling Order entered in the case unless previously excused by the Judge. Mediation will not go forward if parties do not appear and chambers will be notified of the “No-Show”.

Extensive experience throughout the country has shown that a high percentage of civil cases referred for mediation 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.

- Corporations, partnerships and other business entities must bring an officer, partner or other individual with settlement authority to mediation, unless previously excused by the Judge. WMATA, the District of Columbia and other government entities are required to send a representative whose authority may be needed to settle the case, unless excused by the Judge.
- If authorized by the Judge, an insurance representative with full settlement authority may attend the conference in place of the insured party.
- An insurance representative whose authority may be needed to settle the case is required to attend the mediation unless excused by the Judge. *See* Super. Ct. Civ. R. 16 (j).
- A party or an insurance representative residing outside the local metropolitan area who has been excused from attending by the Judge must be available by long-distance collect telephone call throughout the entire mediation session. The attorney for the absent party or insurance representative must advise the Multi-Door Division prior to mediation of any such arrangement, and provide the name of the individual party who will be available by telephone. *See* Super. Ct. Civ. R. 16 (j).

2. Attorneys must submit an MRC and CSS: 14 days prior to mediation, attorneys are required to submit the attached “Mediation Readiness Certificate” and “Confidential Settlement Statement” to Multi-Door Dispute Resolution Division, 410 E Street, N.W., Suite 2900, Washington, D.C. 20001; or by email to: CivilMRC-CSS@dcsc.gov. Please see the attached filing instructions for more details. **Do not send copies of the Mediation Readiness Certificate or Confidential Settlement Statement to the clerk, assigned Judge, or other attorneys/parties.**

3. Failure to submit MRC and CSS: Failing to submit the required forms may result in mediation being cancelled and a status hearing being set before the Calendar Judge to show cause why sanctions should not be imposed. Attorneys may file one readiness certificate and settlement statement for all the parties he or she represents, provided that all those parties are clearly and expressly indicated on the statement.

4. If you believe that you have been incorrectly notified to appear for mediation: Contact the Civil Actions Branch at 202-879-1133. Where no such action is taken, the party or attorney will be required to participate fully in the mediation.

5. Parties may attend private mediation instead of Multi-Door mediation: If authorized by the Judge, parties may attend private mediation in lieu of Multi-Door mediation. Parties attending private mediation are bound by the attendance guidelines outlined in item #1 of this document.

6. Attorneys must notify Multi-Door if settlement occurs prior to mediation: The original and one copy of the *praecipe* or document disposing of the case must be filed with the clerk's office. A copy must also be sent to the Multi-Door Division.

7. You may reschedule mediation one time if all parties agree: A one-time consent request for rescheduling mediation, before the CSS and MRC return date (14 days before mediation), may be granted by submitting an email to the CivilMRC-CSS@dcsc.gov inbox and copying opposing counsel(s) with an agreed upon mediation date and time that is no earlier than 14 days after the date of the request. All Civil mediations take place on Tues, Wed or Thurs at 9am or 11am. All subsequent requests for a continuance must be submitted to the assigned Judge through a motion.

Day of Mediation: Requirements and Information

8. Check-in approximately 15 minutes prior to your scheduled mediation: Civil mediations are held on the 1st floor of Building C, 410 E Street NW. Check in with the case manager at the counter as soon as you arrive (Please call our receptionist if you are running late 202-879-1549).

9. Mediation lasts approximately 2 hours: While there is no time requirement, we ask that you plan for a minimum of 2 hours.

About the Mediation Process

10. Mediation sessions are confidential: The participants will be asked to sign an "Agreement to Mediate" at the beginning of the session confirming their understanding of the session's confidential nature. All communications shared during mediation in this case are confidential, including any notes or other documents created during mediation, consistent with the D.C. Uniform Mediation Act, §16-4207. Exceptions to confidentiality: The mediator or staff may disclose communications of abuse, neglect, abandonment, exploitation or threats and/or statements of a plan to cause bodily harm or injury.

11. The mediator will meet initially with all the parties: 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.

12. Cases that settle at mediation: If the case is settled at the time of mediation, a copy of the settlement *praecipe* or other document memorializing the settlement must be filed promptly with the Multi-Door Division case manager. If the parties need approval of the settlement by the Court, the Multi-Door Division will set a status hearing on the Judge's calendar. The parties are responsible for filing a motion for court approval of the settlement. Please note that settlements involving minors require judicial approval. *See* D.C. Code § 21-120 (2001).

13. Cases that do not settle at mediation: If the case does not settle, it will proceed to a pretrial conference and trial as directed by the governing scheduling order.

Do you have questions about mediation or need to request special accommodations? Call Multi-Door at 202-879-1549

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

**MEDIATION READINESS CERTIFICATE AND CONFIDENTIAL SETTLEMENT STATEMENT
FILING INSTRUCTIONS**

The General Mediation Order requires attorneys to file a Mediation Readiness Certificate (MRC) and Confidential Settlement Statement (CSS) with the Multi-Door Division **14 days** before the mediation date. Parties not represented by attorneys are only required to file a CSS. ***Parties and their attorneys are cautioned that the Multi-Door Division will cancel mediation and set a status hearing before the calendar Judge if the MRC and CSS are not submitted timely.***

Delivery: Completed MRC and CSS forms are accepted by e-mail at CivilMRC-CSS@dcsc.gov. You will receive a reply message as proof of filing. For recordkeeping purposes, MRC and CSS forms sent after 5:00 p.m. are considered received on the next working day. If you cannot e-mail your MRC and CSS, please deliver or mail them to the Multi-Door Dispute Resolution Division, 410 E Street, N.W., Suite 2900, Washington, D.C. 20001. Delivery must be made between the hours of 8:30 am and 5:00 p.m.; *there is no after-hours filing box for MRC and CSS forms.*

Do not deliver MRC and CSS forms to the Civil Division or any after-hours filing box. Proper filing with the Multi-Door Division will ensure that the MRC and CSS remains confidential and are not filed in the Court's case jacket nor shown to anyone other than the mediator assigned to the case. For additional filing information, please call the Multi-Door Division at 202-879-1549.

CSS: Please be comprehensive and candid in your CSS; this information is important to the mediation. You are encouraged to include additional information that may be helpful to the mediator.

If your mediation is rescheduled, you must resubmit the original or a revised MRC and CSS, with the correct date indicated.

Superior Court of the District of Columbia
Multi-Door Dispute Resolution Division

Mediation Readiness Certificate

Case Number: _____ Mediation Date: _____

Case Name: _____

As required by the ***General Mediation Order***, I hereby certify that:

- I have completed all discovery due by me; or the judge has authorized early mediation before the close of discovery;
- There are no motions pending that will impede settlement negotiations during mediation;
- I have discussed the case with my client(s) and we are prepared to engage in good faith settlement negotiations;
- My Confidential Settlement Statement has been filed;
- My client(s) will be present or has been excused from attendance by the Judge;
- All parties and any person not a party whose authority is needed to settle the case will be present, or have been excused by the Judge pursuant to Civil Rule 16(j).

Please check **one** of the following:

- ☐ Counsel signing below ***is ready*** for mediation and meets all criteria listed above.
- ☐ Counsel signing below ***is ready*** to participate in good faith settlement negotiations at mediation despite not meeting all criteria listed above.
 - Please explain: (ex: outstanding discovery will not impede settlement negotiations) _____
- ☐ Counsel signing below ***is not ready for*** mediation due to one or more of the following reasons (If you select this option, your mediation **may be cancelled** and set for a status hearing before the Judge. A case manager will follow up to confirm any cancellations):
 - ☐ Discovery is not complete
 - ☐ There is/are pending motion(s) that will impede settlement negotiations during mediation
 - ☐ My client is unreachable
 - ☐ I have a pending motion to withdraw as counsel

Certified by:

Submission Date:

Attorney for _____

This form must be submitted no later than 14 days prior to mediation. Attorneys are advised that misrepresentations may result in the imposition of sanctions

CONFIDENTIAL SETTLEMENT STATEMENT
Multi-Door Dispute Resolution Division

Judge _____ Case Number _____

Case Caption _____

This case is scheduled for a:

Mediation Conference on _____ at ☐ 9:00 ☐ 11:00

Do any of the parties involved require an interpreter? ☐ Yes ☐ No

If yes, please identify the specific language the court interpreter needs to be certified in:

Mediator Expertise Desired: _____

(please specify)

Submitted by:

Check one

Attorney or *Pro Se* Party

☐ Plaintiff ☐ Defendant

☐ 3rd party Plaintiff

☐ 3rd party Defendant

Telephone

Email Address

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

Name of party

Name of party

Name of party

Please provide answers to the following questions:

1. Describe in detail the facts of the case and the claims being raised:

2. (Plaintiff Only) Describe the type and scope of injuries and any monetary and/or equitable relief being sought (please list items separately, such as lost wages, medical costs, etc.):

3. (Defendant Only) Describe any counterclaims being raised:

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

Minimum \$_____ Maximum \$_____

5. Describe any settlement offers/demands that you have made and the current status of settlement discussions:

6(a). (Defendant Only) If the claims at issue are covered by insurance please provide the policy limits:

6(b). (Defendant Only) If yes, please identify the insurance company and the name of the claims representative who you anticipate will be attending the session because his authority may be needed to settle the case. (See Super. Ct. Civ. R 16(j)).

7. (Plaintiff only) Identify any outstanding liens, their amounts, and any negotiations with lien holders:
8. Identify anyone who is not listed as a party that you believe should be present at mediation for meaningful settlement negotiations:
9. Describe any relational factors or history between the parties that could impact the mediation (positively or negatively):
10. What additional information, not found in filings, should the mediator know in order to engage parties in meaningful settlement negotiations? (Remember that the discovery deadline precedes the mediation date.)

Date submitted

SUBMIT