

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

CIVIL DIVISION

GENERAL MEDIATION ORDER

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 increased when all parties to the lawsuit, their lawyers, and all people with settlement authority meet virtually or face-to-face for discussions with the mediator. The Court has therefore instituted the following procedures for all cases in which the parties are referred to mediation administered by the Multi-Door Dispute Resolution Division (“Multi-Door Division”). Sanctions may be imposed on any party or attorney who does not comply with these procedures.

The Court orders that:

1. All parties and their attorneys must appear for mediation in accordance with the Scheduling Order entered in the case. Any party or attorney who believes that he or she has been incorrectly notified to participate in mediation must contact the Civil Actions Branch at (202) 879-1133. Any party or attorney who does not contact the Civil Actions Branch must participate fully in the mediation. Parties not represented by an attorney are not required to get an attorney for mediation.
2. Any party or attorney may contact the Multi-Door Dispute Resolution Division at (202) 879-1549 with questions regarding the mediation.
3. If authorized by the judge, parties may attend private mediation in lieu of mediation through the Multi-Door Division.
4. Each party shall submit to the Multi-Door Division (a) a Confidential Settlement Statement in the form attached to this Order and (b) a Mediation Readiness Certificate in the form attached to this Order. An attorney may file one statement and one certificate for all the parties he or she represents, provided that all those parties are clearly and expressly indicated on the statement.
5. Both the Confidential Settlement Statement and the Mediation Readiness Certificate shall be either (a) sent by email to CivilMRC-CSS@dcsc.gov or (b) delivered to the Multi-Door Dispute Resolution Division, 410 E Street, N.W., Suite 2900, Washington, D.C. 20001. A party shall not send a copy of either document to the clerk, the calendar judge, or other attorneys or parties.
6. Both the Confidential Settlement Statement and the Mediation Readiness Certificate must be received by the Multi-Door Division at least 21 days before the scheduled mediation date.

7. If a mediation is rescheduled after a party submits the Confidential Settlement Statement and Mediation Readiness Certificate, and if any information in the original Confidential Settlement Statement and/or Mediation Readiness Certificate changes, the party must submit an updated Confidential Settlement Statement and/or Mediation Readiness Certificate at least 21 days before the date of the rescheduled mediation.

8. Except in cases involving automobile accidents, the Multi-Door Division will grant a request by one party to reschedule a mediation provided that (a) all other parties consent and (b) the request is made at least 21 days before the scheduled mediation case. A party may request such a postponement by contacting the Civil Actions Branch at (202) 879-1133. All other requests to continue a mediation must be submitted to the assigned judge through a motion. Any request to continue an automobile accident case must be submitted to the assigned Judge.

9. If the Multi-Door Division does not receive the completed Confidential Settlement Statement and Mediation Readiness Certificate from a party 21 days before the scheduled mediation date, and if the Multi-Door Division has an email address for the party or the party's lawyer, the Multi-Door Division will send an email reminding the party of its obligation to submit these documents.

10. If the Multi-Door Division does not receive the completed Confidential Settlement Statement and the Mediation Readiness Certificate from each party 14 days before the scheduled mediation date, the Multi-Door Division will cancel the mediation and notify the calendar judge and the Presiding Judge of the Civil Division, including identifying the party or parties, and any attorney, who did not provide the documents.

11. If the Multi-Door Division notifies the calendar judge that it canceled a scheduled mediation because one or more parties did not provide the Confidential Settlement Statement and the Mediation Readiness Certificate as required by this Order, the calendar judge will schedule a hearing, reschedule the mediation, or both.

12. If a lawyer does not submit the Confidential Settlement Statement and the Mediation Readiness Certificate as required by this order, the calendar judge will issue an order requiring the lawyer to show cause within 14 days why the lawyer should not pay \$100 to each other party to compensate each other party (whether or not represented by counsel) for delay and time spent in connection with the canceled mediation. If the lawyer does not show cause within 14 days, the lawyer shall pay each other party \$100.

13. If a lawyer is assessed a \$100 payment pursuant to Paragraph 9 more than once in a 12-month period, the Presiding Judge will issue an order requiring the lawyer to show cause why the lawyer should not make a payment into the court registry to compensate the court for time spent in canceling and rescheduling mediations and to reimburse the court for compensation paid to mediators who set aside time for the canceled mediation. Unless the lawyer demonstrates good

cause, the payment shall be \$250 for the first assessment and will increase in \$250 increments for each additional assessment.

14. Corporations, partnerships and other business entities must be represented in the mediation by an officer, partner, or other individual with full settlement authority, unless the judge previously ordered otherwise. WMATA, the District of Columbia, and other government entities must be represented in the mediation by a person with full settlement authority, unless the judge previously ordered otherwise.

15. An insurance representative whose authority may be needed to settle the case and who has full settlement authority must participate in the mediation unless excused by the Judge. *See* Super. Ct. Civ. R. 16(j).

16. If authorized by the judge, an insurance representative with full settlement authority may participate in the mediation in place of the insured party.

17. A party or an insurance representative residing outside the local metropolitan area who has been excused by the judge from in-person participation must be available by video or telephone throughout the entire mediation session.

18. The attorney for any party or insurance representative whom a judge has authorized to participate remotely must advise the Multi-Door Division of the arrangement before the mediation. *See* Super. Ct. Civ. R. 16(j).

19. If the case settles before mediation, documentation must be filed with the clerk's office, and a copy must also be sent to the Multi-Door Division. Attorneys must inform the Multi-Door Division of settlements occurring before mediation. If an attorney does not inform the Multi-Door Division of a settlement at least 48 hours before a scheduled mediation, the attorney may be held personally liable for the fee paid by the Division to the mediator.

20. Mediation sessions are confidential. The participants will be asked to sign or give verbal assent to an "Agreement to Mediate" at the beginning of the session confirming their understanding of and agreement to the session's confidential nature. Any statement made by any party, attorney or other participant may not be used as an admission or otherwise used in court in connection with the case or any other litigation. No party is bound by anything said or done at mediation unless a settlement is reached.

21. During the mediation session, the mediator will meet initially with all the parties, the insurance representative, or other government representative and attorneys. 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.

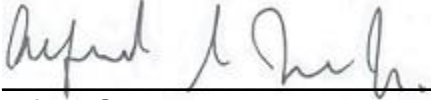
22. If the case is settled during mediation, a copy of the settlement or other document memorializing the settlement must be submitted promptly to the Multi-Door Division case manager. If the parties need approval of the settlement by the court (for example, because the settlement involves a minor – see D.C. Code § 21-120), 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.

23. If the case does not settle at mediation, a pretrial conference or other hearing will be scheduled by the Multi-Door Division.

So Ordered.



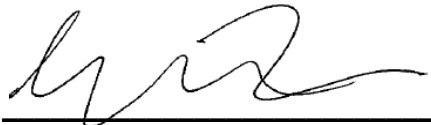
Todd Edelman
Presiding Judge, Civil Division
Civil Calendars 3, 15



Alfred S. Irving
Deputy Presiding Judge, Civil Division
Civil Calendars 3, 16



Carl E. Ross
Associate Judge, Civil Calendar 1



Shana F. Matini
Associate Judge, Civil Calendar 2

Judge to be announced
Associate Judge, Civil Calendar 4



Milton C. Lee
Associate Judge, Civil Calendar 5



Maurice A. Ross
Associate Judge, Civil Calendar 6



Donald W. Tunnage
Associate Judge, Civil Calendar 7



Ebony M. Scott
Associate Judge, Civil Calendar 8

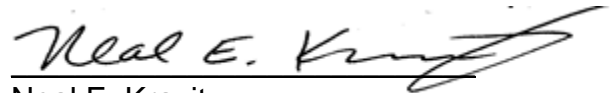


Danya A. Dayson
Associate Judge, Civil Calendar 9

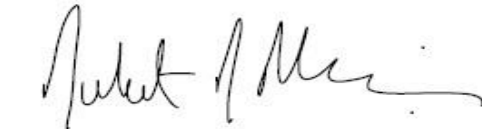


Jonathan H. Pittman
Associate Judge, Civil Calendar 10

Judge to be announced
Associate Judge, Civil Calendar 11



Neal E. Kravitz
Associate Judge, Civil Calendar 12



Juliet McKenna
Associate Judge, Civil Calendar 13



Yvonne M. Williams
Associate Judge, Civil Calendar 14

**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 **21 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;
- 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 will be **cancelled** and a status hearing will be set 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 21 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	_____ Phone Number	_____ Email Address
_____ Name of party	_____ Phone Number	_____ Email Address
_____ Name of party	_____ Phone Number	_____ Email Address
_____	_____	_____

Name of party

Phone Number

Email Address

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