



**MAGISTRATE JUDGE NAN R. NOLAN**

**219 South Dearborn Street**

**Courtroom 1858**

**Chambers 1870**

**Chicago, IL 60604**

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**Courtroom Deputy - Lynette Santiago**

**Room 1804**

**(312) 435-5833**

**STANDING ORDER SETTING SETTLEMENT CONFERENCE**

This case has been set for a settlement conference before Magistrate Judge Nan R. Nolan. All parties and their lead counsel are ORDERED TO APPEAR at the Dirksen Federal Building, 219 South Dearborn Street, Courtroom 1858, Chicago, IL on the date and time set forth in the attached minute order.

**SETTLEMENT CONFERENCE PREPARATION**

Over 95% of all civil suits are settled prior to trial. Therefore, settlement preparation should be treated as seriously as trial preparation. Planning is essential because the party who is best prepared obtains the best result. The Court has found that the following steps are essential to a successful settlement conference.

**A. FORMAT**

**1. PRESETTLEMENT CONFERENCE DEMAND AND OFFER.** Settlement conferences are generally unproductive unless the parties have previously exchanged demands and offers and have made a good faith effort to settle the case on their own. Accordingly, at least fourteen (14) days prior to the settlement conference, the plaintiff shall submit a written itemization of damages and settlement demand to defendant. No later than seven (7) days prior to the settlement conference, defendant shall submit a written offer to plaintiff. Two (2) business days before the conference, the parties shall deliver or fax to Judge Nolan's chambers, but not file, copies of the last written settlement demand and offer.

**2. ATTENDANCE OF PARTIES REQUIRED. Parties with ultimate settlement authority must be personally present.** An insured party shall appear by a representative of the insurer who is authorized to negotiate, and who has *authority to settle the matter up to the limits of the existing settlement demand*. An insured corporate party shall appear by a representative authorized to negotiate, and who has *authority to settle the matter up to the amount of the existing settlement demand or offer*. Having a client, with authority, available by telephone is *not* an acceptable alternative, except under the most extenuating circumstances. \* Because the Court generally sets aside at least two hours for each conference, it is impossible for a party who is not present to appreciate the process and the reasons which may justify a change in one's perspective towards settlement.

**3. MEDIATION FORMAT.** The court will generally use a mediation format: opening presentations by each side followed by a joint discussion and private caucusing by the Court with each side.

**4. STATEMENTS INADMISSIBLE.** Statements made by any party during the settlement conference will not be admissible at trial. Parties are encouraged to be frank and open in their discussions.

**5. OTHER ADR PROCESSES.** If the parties desire private mediation, arbitration, mini-trial or other procedure, they should immediately advise the minute clerk, who will arrange a conference call with the court to discuss the options.

## **B. ISSUES TO BE DISCUSSED AT SETTLEMENT CONFERENCE**

Parties should be prepared to discuss the following at the settlement conference:

1. What are your objectives in the litigation?
2. What issues (in and outside of this lawsuit) need to be resolved? What are the strengths and weaknesses of your case?
3. Do you understand the opposing side's view of the case? What is wrong with their perception? What is right with their perception?
4. What are the points of agreement and disagreement between the parties? Factual? Legal?

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\*The purchase of an airplane ticket is not an extenuating circumstance.

5. What are the impediments to settlement?
6. What remedies are available through litigation or otherwise?
7. Are there possibilities for a creative resolution of the dispute?
8. Do you have adequate information to discuss settlement? If not, how will you obtain sufficient information to make a meaningful settlement discussion possible?

**C. INVOLVEMENT OF CLIENTS**

For many clients, this will be the first time they have participated in a court supervised settlement conference. Therefore, counsel shall provide a copy of this Standing Order to the client and shall discuss the points contained herein with the client prior to the settlement conference.

**ENTER:**

**Dated: July 27, 1998**

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**NAN R. NOLAN**  
**United States Magistrate Judge**