

UNITED STATES DISTRICT COURT
For The Northern District of Illinois
Eastern Division

**INSTRUCTIONS FOR SETTLEMENT CONFERENCE FOR CASES ASSIGNED TO
JUDGE AMY J. ST. EVE**

Given the importance of settlement, and the fact that over 95% of all civil suits settle prior to trial, settlement preparation should be treated seriously. Settlement can allow the parties to avoid unnecessary litigation as well as the substantial cost, expenditure of time, and distraction and anxiety that are typically part of the litigation process.

Set forth below are the procedures that the Court will require the parties to follow in preparing for the settlement conference. Any party who wishes to vary any of these procedures should make an appropriate request to the Court prior to the settlement conference.

1. Pre-conference demand and offer. Settlement conferences will be more productive if 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 ten (10) days before the settlement conference, the plaintiff shall submit a written itemization of damages and a settlement demand to the defendant. No later than five (5) days before the settlement conference, the defendant shall submit a written offer to the plaintiff. If settlement is not reached through this process, the parties shall deliver or fax copies of the letters to Judge St. Eve's chambers no later than two (2) days before the settlement conference. The letters are not to be filed with the Clerk.

2. Attendance of parties required. *Parties with ultimate settlement authority must be personally present at the settlement conference, unless otherwise ordered by the Court.* This means that if a party is an individual, that individual must personally attend; if a party is a corporation or governmental entity, a representative of the corporation or governmental entity who is authorized to negotiate and who has full settlement authority must personally attend; if a party requires approval by an insurer to settle, then a representative of the insurer who is authorized to negotiate and who has full settlement authority must attend. Having a client with authority available by telephone is *not* an

acceptable alternative, unless the Court specifically agrees in advance.

3. Conference format. The Court generally will follow a "mediation" format: opening presentations by each side to the other side, followed by a joint discussion with the Court and private meetings by the Court with each side. The Court expects both the lawyers and the party representatives to be fully prepared to participate in the discussions and meetings. In these discussions, the Court encourages all parties to be willing to reassess their previous positions and to be willing to explore creative means for resolving the dispute.

4. Statements inadmissible. Any statements made by any party or attorney during the settlement conference will be inadmissible at trial. The Court expects the parties to address each other with courtesy and respect but at the same time strongly encourages the parties to be frank and open in their discussions.

DATE: November 14, 2002

AMY J. ST. EVE