



MAGISTRATE JUDGE MARGARET SCHNEIDER
327 SOUTH CHURCH STREET
Courtroom 5300
Chambers 6300
Rockford, IL
(779) 772-8037

STANDING ORDER FOR SETTLEMENT CONFERENCES

The Court believes that the parties should fully consider settlement at the earliest reasonable opportunity in the case. Even if the case cannot be settled, early consideration of settlement often can result in focusing the issues to be litigated – which can save the parties considerable time and money.

A settlement conference requires serious and thorough preparation. This Order sets out the procedures the parties are to follow in preparing for the settlement conference, and the procedures that the Court typically will employ in conducting the conference. Counsel must provide a copy of this Order to their clients and discuss these procedures with them before the settlement conference.

A. Before the Settlement Conference - Setting a Date and Exchange of Proposals

Once the Court has agreed to hold a settlement conference, the parties are to email Judge Schneider's Operations Specialist with several options of agreed proposed dates order to set a date for the settlement conference. (Please avoid Tuesday and Thursday mornings as Judge Schneider has regularly scheduled court calls at that time.) Once the settlement conference is set, the Court will provide the parties with a schedule for

submitting their position statements.

Plaintiff's counsel must submit a position statement to defendant's counsel, describing the nature of the action, the theory of liability, itemization of damages, and plaintiff's proposal, including an explanation for it. Plaintiffs are asked to include a proposal that is **not** what they expect to win at trial, but rather a number that takes into account the risk of loss and cost savings from settling before trial.

Defendant's counsel must submit a position statement to plaintiff's counsel, describing the theory of defense and defendant's proposal, including an explanation for it. Defendants are expected to offer a number that does **not** assume that there will be no liability.

Position statements should be no more than 10 pages each. ***Both parties' counsel are required to provide the full set of the settlement letters to their clients to read prior to the conference.*** On occasion, this exchange process itself will lead to a settlement. Indeed, the parties should have multiple discussions about settlement between the date the Court sets the settlement conference and the actual date of the conference. The parties should establish that each party has the necessary information to engage in meaningful settlement discussions.

The parties are required to submit their statements to the Court by e-mail. All settlement correspondence should be sent to: Settlement_Correspondence_Schneider@ilnd.uscourts.gov.

If a statement (10-page limit) plus exhibits totals more than 25 pages, in addition to emailing a copy, it must also be three-hole punched and placed in a binder and mailed to chambers. These statements are not to be filed with the Clerk's Office, will not be made part of the Court's record, and will not be admissible as evidence.

The parties should invest sufficient time and effort when preparing their statements because the Court finds that well-prepared and detailed settlement position statements are critical to having productive settlement discussions. Parties are encouraged to consider whether there are any areas of agreement; whether there are any creative

solutions (e.g., licensing agreement, allowing the use of a trademark, re-employment); and whether there are any outstanding lien holders, particularly a Worker's Compensation lien or a Medicare lien. In some circumstances, after reviewing the settlement letters, the Court will set a telephonic status hearing before the settlement conference to determine if it will be productive. The Court may also separately contact counsel for one or both parties but will let the other party know if/when this happens.

The fact that a settlement conference has been scheduled does not mean that the parties should stop engaging in settlement discussions among themselves. The Court finds that too often the parties put settlement talks on hold until the settlement conference with the Magistrate Judge. The Court expects that many cases can be resolved among the parties without the need for court-supervised mediation. If your informal discussions are unsuccessful, the Court will conduct the conference but will expect the parties to apprise her of the status of their ongoing settlement discussions.

The settlement conference letters required by this Order and the settlement conference are governed by Local Rule 83.5 relating to Revised June 8, 2017 Confidentiality of Alternative Dispute Resolution Proceedings. Settlement communications are confidential, including settlement conference letters and statements made during the settlement conference. These communications are confidential under Federal Rule of Evidence 408, as well as Western Division ADR Local Rule 4-10. The communications are also "confidential" in the generic, common understanding of the word. The Court expects the parties to address each other with courtesy and respect, but also to speak frankly and openly about their views of the case.

B. Persons Required to Attend the Settlement Conference

Individuals with full and complete settlement authority on behalf of the parties are ordered to personally attend the conference. An insured party shall appear with a representative of the insurer who is authorized to negotiate and who has authority to settle the case. If a party is an individual, that individual must personally attend. If a party is an

uninsured corporation or governmental entity, a representative of that corporation or governmental entity (other than counsel of record) with authorization to negotiate and authority to settle the case must personally attend.

Having a client or representative with authority available by telephone is not an acceptable alternative, except under the most unusual and extenuating circumstances (and must be approved by the Court ahead of time in those cases). Because the Court generally sets aside several hours for each conference, it is impossible for a party who is not present to appreciate the process and the reasons that may justify a change in one's perspective towards settlement. Failure to comply with this provision without good cause will result in an order requiring the party in violation to reimburse the opposing party's attorney fees and costs related to preparing for and appearing at the settlement conference.

C. Conference Format

The Court is currently conducting conferences remotely via video conferencing. The Court generally holds a joint session with short opening remarks and questions by the Court, generally with no opening presentations by the parties. This short, joint session will be followed by each party having private caucuses with the Court. The Court expects both the lawyers and the party representatives to be fully prepared to participate openly during these discussions. Statements made by any party during the settlement conference are not to be used in discovery and will not be admissible at trial.

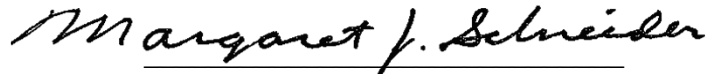
D. Prepare for Success

If the parties are successful in reaching an agreement, they will be required to detail the terms of the agreement at the conclusion of the conference, so that the terms are binding on the parties. Defendants that generally prefer a certain format of settlement agreement are encouraged to prepare it as much as possible ahead of time and bring it with them to the conference, in the hope that it can be filled out with all the final terms if the parties are successful in reaching a settlement.

E. Cancellation or Rescheduling of the Conference

If the parties must reschedule, or if they have concluded that a settlement conference is not necessary at this time, they should inform chambers as soon as possible. Counsel are cautioned that failure to attend a scheduled settlement conference without court authorization may result in the imposition of monetary sanctions against them.

SO ORDERED.

A handwritten signature in black ink, reading "Margaret J. Schneider". The signature is written in a cursive, flowing style.

Margaret Schneider

United States Magistrate Judge

Dated: Rev. December 7, 2023