



MAGISTRATE JUDGE MARIA VALDEZ
219 South Dearborn Street
Courtroom 1041, Chambers 1058
Chicago, IL 60604
(312) 435-5690

INSTRUCTIONS FOR SETTLEMENT CONFERENCE

The Court believes that the parties should fully explore and consider settlement and should do so at the earliest reasonable opportunity in the case. For those cases that can be resolved through settlement, early consideration of settlement can allow the parties to avoid unnecessary litigation. This will allow the parties to also avoid the substantial cost, expenditure of time, and distractions that are typically a part of the litigation process. Even for those cases that cannot be resolved through settlement, early consideration of settlement can allow the parties to better understand the factual and legal nature of their dispute. This often can result in focusing and streamlining the issues to be litigated, which again can save the parties considerable time and money.

Consideration of settlement is a serious matter; it therefore deserves and requires serious and thorough preparation prior to the settlement conference. Set forth below are the procedures that the Court will require the parties to follow in preparing for the settlement conference, and the procedures that the Court typically will employ in conducting the conference. Counsel are directed to provide a copy of this Standing Order to their clients, and to discuss these procedures with them.

1. **Pre-Settlement Conference Demand and Offer.** Before scheduling a settlement conference, the Court requires the parties to have first engaged in a written exchange of their settlement positions.
 - Accordingly, no later than the date set by the Court, **plaintiff's counsel** shall serve on defense counsel a letter that sets forth at least the following information: (a) a brief summary of the evidence and legal principles that plaintiff asserts will allow it to establish liability; (b) a brief explanation of why damages or other relief would appropriately be granted at trial; (c) an itemization of the damages plaintiff believes can be proven at trial, and a brief summary of the evidence and legal principles supporting those damages; and (d) a settlement demand. If applicable, the letter should also describe the history of the parties' settlement positions and negotiations.

- **Defendant’s counsel** shall serve on plaintiff’s counsel a letter that sets forth at least the following information: (a) any points in plaintiff’s letter with which the defendant **agrees**; (b) any points in plaintiff’s letter with which defendant **disagrees**, with references to supporting evidence and legal principles; and (c) a settlement offer. The Court expects that each of these letters typically should be **five pages or fewer**. Parties must obtain leave of Court before submitting letters longer than ten pages. Furthermore, because mediation is not a fact-finding process, exhibits are discouraged.
 - **Counsel shall provide copies of both parties’ settlement letters to their respective clients prior to the settlement conference date.**
 - Plaintiff’s counsel shall electronically submit copies of these letters to the Court at **Proposed_Order_Valdez@ilnd.uscourts.gov** by the date ordered. **DO NOT FILE COPIES OF THESE LETTERS IN THE CLERK’S OFFICE.** Any requests to extend the letter schedule must be submitted by written motion.
 - Settlement letters should reflect each party’s good faith efforts to settle the case, and the Court generally believes that settlement demands seeking full recovery and settlement offers of no value are not made in good faith. **If a party’s letter does not meet the good faith standard, the party may be asked to submit an amended letter, or the settlement referral may be summarily closed.**
2. **Settlement Conference Setting.** After considering the parties’ settlement positions, the Court will determine whether a settlement conference is expected to be fruitful.
- Chambers staff will contact the parties with available dates for a full settlement conference or a preliminary attorneys-only conference. **The parties will also be given a date to submit their final settlement positions.**
 - **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 describe in detail their settlement efforts.
 - **CONFERENCE FORMAT.** The Court generally will not have a joint session, as Judge Valdez expects the parties to have engaged in significant voice-to-voice settlement discussions. She will still engage in an evaluative mediation process and will discuss separately with each party the risks of proceeding forward with litigation. 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 ways of resolving the dispute.
 - Any statements made by any party during the settlement conference will not be admissible at trial. The Court expects the parties to address each other with courtesy and respect, but at the same time she strongly encourages the parties to speak frankly and openly about their views of the case.

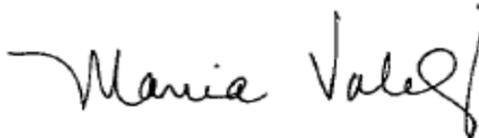
3. **Settlement Conference Participants.**

- **ATTENDANCE OF PARTIES REQUIRED.** The Court sets aside a significant block of time for each settlement conference. The Court strongly believes that the personal presence of the parties, and their direct participation in the discussions and “give and take” that occur, materially increases the chances of settlement. The Court requires that parties attending the conference read the settlement letters exchanged between the parties before coming to the conference.
- **Parties with full and complete settlement authority are required to personally attend the conference.** This means that if a party is an individual, that individual must personally attend; if the approval of an insurer is required, the insurance adjuster must attend, along with the party representative; and if a party is a corporation, a representative of that corporation (other than counsel of record) with full and complete settlement authority must attend. If a party is a governmental entity, a representative of that entity must attend unless the party obtains prior leave of court explaining why their attendance is not necessary to reach a settlement on the date of the conference.
- **“Full and complete settlement authority”** does not mean that counsel or a party has authority within certain fixed parameters. It means the authority to negotiate and agree to a binding settlement agreement at any level up to the settlement demand of the plaintiff or any level as low as the offer provided by the defendant, without the need for further approval. The Court understands, however, that with certain municipal parties, approval of a board or other body may be required before the settlement process is complete.
- Persons who are not parties or counsel and whose authority is not necessary to approve a settlement may not observe or participate in a settlement conference in any way. This includes parties’ spouses, friends, children, and corporate representatives without authority. However, paralegals and legal assistants may participate as needed.

A PARTY WISHING TO VARY ANY OF THE PROCEDURES SET FORTH IN THIS STANDING ORDER MUST MAKE AN APPROPRIATE REQUEST TO THE COURT BY MOTION. NO MODIFICATIONS MAY BE MADE THROUGH TELEPHONIC REQUESTS TO CHAMBERS STAFF.

SO ORDERED.

ENTERED:



DATE: April 19, 2021

HON. MARIA VALDEZ
United States Magistrate Judge