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## THE SETTLEMENT PROCESS

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**Prior to the Settlement Conference or Final Pretrial, the Court anticipates and expects that the Parties have discussed the case and have already exchanged demands/offers.**

- 1) The Court will meet with the Parties as a group. If the Parties believe that settlement negotiations will be fruitful, then the Court will be very active in the negotiation process, but will **not** play the role of a traditional mediator.
- 2) The Parties will then be separated to discuss their case. The Court will sit with each Party to discuss strengths/weaknesses and to meet with clients. The Parties will be asked to trust the Court and share their "real numbers" (*i.e.* what dollar range they would be willing to settle for, not an offer or demand that leaves the room for negotiation). These numbers **will not be shared** with any other Party.
- 3) After the Court receives each Party's real numbers, the Court will evaluate the case and determine whether a resolution may be possible.
  - If the Parties' real numbers are in a range where the Court believes a resolution may be possible, the Court will present the Parties with a dollar amount that it believes is a reasonable resolution of the case. **This dollar amount is not the amount of either Party's "real number" or a split between the Parties' real numbers, it is a value that the Court believes is fair and would resolve the case.** The Court will then attempt to get a commitment from each Party to the Court's proposed number. Once a commitment to the Court's number has been given, the Court will not request a different commitment from the Parties. If all Parties do not agree to the Court's number, the mediation is over and no numbers are shared between the Parties. The Court will not share that a Party has made a commitment to the Court's number without the Party's permission.
  - If the Parties' real numbers are so far apart that the Court does not think a resolution is possible on that day, the Court will not present the Parties with a dollar amount, will conclude the process, and discuss the futures dates set in the case management schedule. All Parties will leave the conference without knowing anything more about the other Party's settlement stance apart from what they have chosen to share with the other side.