

SETTLEMENT CONFERENCE QUESTIONNAIRE

SUBMITTED BY: _____

ATTORNEY FOR: _____

NOTE: Please use attachments where necessary. If the total number of pages of the response and attachments exceeds 30 pages, please provide paper copies to chambers. All documents submitted should be punched for a three-ring binder. Responses of 30 pages or less may be submitted via e-mail in .pdf format.

1. Statement of facts pertinent to settlement.
2. Plaintiff's theories of recovery if not obvious.
3. If liability not admitted, bona fide defenses and counterclaims tendered by Defendant(s).
4. Damages - Plaintiff should list the specials incurred and claimed. Do not use the maximum possible figures but what is deemed reasonable and what will be presented at trial. List special and general damages separately. Defendant should list what is claimed to be a reasonable amount where items are contested.
5. Summarize the bona fide disputes regarding damages.
6. Weaknesses in your case/defense.
7. Evaluation of fair settlement: \$_____ ; Non-economic relief, if any.
8. May the court disclose these figures or demands to the opposing party at the commencement of the conference? yes _____ no _____
9. If Plaintiff recovers a judgment, is the question of apportionment of and liability among Defendant(s) a factor affecting negotiations? Discuss.
10. Are there viable sources from whom the Defendant(s) may seek contribution?
11. Describe the history of settlement negotiations, if any.
12. Do you feel the other party has negotiated in good faith? Discuss.
13. Does either party have client problems which affect these negotiations?
14. Do client and attorney disagree on the settlement value? Discuss.
15. What factors not discussed above have hampered settlement negotiations?
16. State your opinion as to the bona fide chance for settlement in this matter. ____%
17. Are there legal questions which effectively bar serious settlement negotiations? Discuss.
18. Do you want the settlement judge to give preliminary, non-binding predictions as to such rulings to assist in settlement negotiations? yes _____ no _____
19. Are mediation or arbitration of certain areas or the entire matter viable options? Discuss.
20. Do Defendants (if more than one) want separate or joint conferences with the judge when Plaintiff(s) is excluded?
21. Do Plaintiffs (if more than one) want separate or joint conferences with the judge when Defendant(s) is excluded?
22. Litigation expenses: To date \$_____ ; Estimate of present to conclusion \$_____.