

SETTLEMENT CONFERENCE AGENDA

- Convening of settlement conference by Judge Bush
- Description by judge of purpose and procedures of the conference
- Discussion of the problems that divide the parties
- Statement by the plaintiff's attorney of what the plaintiff would like to achieve in a settlement
- Statement by the defendant's attorney of what the defendant would like to achieve in a settlement
- Summary of the areas of mutual interest of the parties by the settlement judge
- Exploration of options for settlement
- Opportunities for each of the parties and their attorneys to consult in private concerning the options
- Opportunities for each of the parties and their attorneys to meet with Judge Bush in private concerning the options and the merits of their case
- Mediation by Judge Bush to assist the parties and their attorneys in reaching a settlement
- Settlement, if the parties agree.

ATTACHMENT "A"

SETTLEMENT CONFERENCE QUESTIONNAIRE

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.
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.
7. Plaintiff's evaluation of fair settlement.
8. Defendant's evaluation of fair settlement.
9. May the Court disclose these figures to the opposing party at the commencement of the conference?
10. If Plaintiff recovers a judgment, is the question of apportionment of and liability among Defendant(s) a factor affecting negotiations?
11. Are there viable sources from whom Defendant may seek contribution?
12. Do you feel the other party has negotiated in good faith?
13. Does either party have client problems which affect these negotiations?
14. Do client and attorney disagree on the settlement value?
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?

18. Do you want the settlement judge to give preliminary, non-binding predictions as to such rulings to assist in settlement negotiations?
19. Are mediation or arbitration of certain areas or the entire matter viable options?
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. Expenses of litigation:
To date:
Estimate of present to conclusion: