

MANDATORY SETTLEMENT CONFERENCES IN CIVIL CASES IN 6TH DISTRICT

Beginning on September 19, 2011, the Sixth Judicial District will start requiring parties in civil and family law cases in Linn and Johnson Counties to attend a mandatory settlement conference conducted by a judge when their case can't be reached for trial and judicial resources are available. Initially, the mandated settlement conference will be limited to cases scheduled on the first day of jury trials, but may be expanded to other days if judges are available.

The protocol for the mandatory settlement conferences in civil and family law cases will be as follows:

1. All cases scheduled for trial will be tried or the parties will be required to attend a settlement conference on the day of trial unless court administration notifies the parties the day before trial that their case will be rescheduled. Thus, parties should show up on the day of trial prepared to try the case or to participate in a settlement conference.
2. All parties involved in the settlement conference must have the authority to settle or have immediate access to the person with authority to settle the case to facilitate the reaching of an agreement during the settlement conference.
3. A senior judge or district court judge will conduct the settlement conference and will take an active part in facilitating a settlement among the parties. The judge who conducts the settlement conference will not be assigned to try the case if settlement is not reached at the settlement conference.
4. The judge conducting the settlement conference will report the results of the conference to court administration. Court administration will reschedule all cases which are not settled for trial. The parties will not be required to attend another mandatory settlement conference but may choose to do so with the same or a different judge.
5. Parties who settle their cases during a settlement conference must finalize the terms of the settlement agreement and file a dismissal or stipulation and decree with the court within 30 days of the settlement conference. If parties fail to timely file a dismissal or stipulation and decree, court administration will schedule a status conference before a judge to determine when the dismissal will be filed, whether the case should be reset for trial, or whether to set a hearing on enforcement of the settlement if requested by a party.

It is the ultimate goal of the district to extend settlement conferences to all six counties in the district and to utilize them on days other than jury trial days when judges are available to conduct them. The district decided to implement civil settlement conferences to allow it to make more effective use of judicial resources without the assistance of court reporters. All settlement conferences will be contingent on the availability of judges to conduct them.