

INTRODUCTION

JUDICIAL SETTLEMENT CONFERENCE

OPENING REMARKS

Introduce yourself, and all present.

Explain the purpose of JSC: assess strengths & weaknesses of case, and explore possible settlement options

Explain the JSC process: JSC is a confidential, voluntary process which brings parties together in order to discuss the issues of the case and come to a mutually acceptable agreement before a judge.

Ask about authority to settle.

EXPLAIN THE DIFFERENT JSC ROLES:

Process convener - forum for communication

Case conferencer - engage parties about status of case and legal issues involved

Evaluator - discuss strengths and weaknesses of the case in private sessions with each party

Facilitator/Negotiator - manage expectations, explore settlement

EXPLAIN HOW JSC WORKS:

1st, we talk to everyone together

2nd, we meet with you one at a time

3rd, we come together to formulate an agreement or proceed to trial

EXPLAIN ABOUT CONFIDENTIALITY:

Will not tell anyone what we hear in JSC

Will not repeat any information told to us in a private session, unless you say it's okay

EXPLAIN THE GROUND RULES:

Please listen, do not interrupt, speak respectfully, and keep an open mind

EXPLAIN THE ADVANTAGES OF JSC:

The parties can focus on the resolution of their dispute

The parties control the outcome

Process is a voluntary and confidential

JSC allows both parties to fully explain their case

JSC is a successful way of resolving disputes without the need for Trial

JSC agreements last because they are based on the best interests of the parties

If unsuccessful, the parties continue to litigate