

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA**

CIV. ACTION NO.

VERSUS

FORM FOR CONFIDENTIAL SETTLEMENT CONFERENCE STATEMENTS

A. STATEMENT

1. The name and title, if applicable, of the client or authorized representative who will be attending the conference with counsel. If the conference is being held by Zoom, counsel shall also include email addresses for all conference participants (including attending counsel, clients, and/or client representatives).

2. A statement confirming that the person identified in the preceding paragraph **PERSONALLY** has full settlement authority as defined on p. 3 of the order under Section B, "ATTENDANCE." This means, for example, that no phone call to any other person will be necessary before the attending client or representative can make significant or even drastic changes in the settlement posture of the party in question, unless approval for such an arrangement has been obtained from the court in advance.

3. A brief analysis of (1) the key issues involved in the litigation, with each issue numbered separately, and (2) and "sticking points" preventing settlement, identified and numbered separately.

4. A brief description of (1) the strongest and (2) the weakest points in your case, both legal and factual, and (3) your most persuasive argument.

5. Status of any settlement negotiations, including the last settlement proposal made by you and to you. (PARTIES MUST MAKE A GOOD FAITH EXCHANGE OF OFFERS PRIOR TO THE CONFERENCE!)

6. A likely total judgment if plaintiff were to prevail.

7. The chance, expressed as a percentage, that plaintiff will prevail at trial.

8. The bottom-line settlement proposal that you would be willing to make in order to conclude the matter and stop the expense of litigation.

9. (1) An estimate of the legal fees and expenses which the client will incur from the date of the conference through the trial level, if the case is not settled. (2) Does this affect the settlement? (3) If so, state whether you have communicated this to opponents?

10. A statement as to whether there is any ancillary litigation pending or planned which affects case value.

11. A statement as to (1) whether there is confidential information which affects case value, (2) why can't/won't/shouldn't it be disclosed, and (3) how can the other side be persuaded to change value if it doesn't have this information?

B. ATTACHMENTS

In addition, to the extent that they exist, and to the extent that counsel considers them relevant to settlement, copies of the following documents may be attached to the Confidential Settlement Conference Statement:

1. Major relevant medical reports concerning plaintiff's medical condition;
2. Economic loss reports;
3. Liability expert reports;
4. Any other documents which counsel believe may be of benefit to the Court in evaluating the case

NOTE: The contents of the Statements and all other confidential communications made in connection with the settlement conference will not be disclosed to anyone without the express permission of the communicating party. The Statements and any other documents submitted for the settlement conference will be maintained in chambers and will be destroyed after the conference.

C. CLOSING

1. If settlement is reached, do you want it on the record?
2. How soon could checks/closing documents be received?