

OKLAHOMA - NORTHERN and WESTERN

LCvR16.2 Judicial Settlement Conferences.

(a) **Scheduling.** Once a civil case is set on a trial docket, that case will generally be scheduled for a settlement conference before a judge not otherwise assigned to the case. A judicial settlement conference may also be set by the Court at any other time, with or without a request from a party.

(b) **Required Attendance.**

(1) **Named Parties.** Each named party shall attend the conference, regardless of the availability of insurance. If any party is not a natural person, a representative of that party with knowledge of the relevant facts shall attend the settlement conference.

(2) **Governmental Body.** If approval by a Governmental Body is required by law to authorize settlement, attendance of at least one current member of the Governmental Body is required. “Governmental Body” as used in this subsection (b)(2) means a governmental board of directors, trustees, commissioners, managers, or other similar officers.

(3) **Insurers and/or Subrogors.** Insurers and/or subrogors of any party shall attend the conference. Counsel for any such party is responsible for notifying the insurer and/or subrogor of this requirement.

(4) **Lead Trial Counsel.** Lead trial counsel for each named party shall attend the conference.

(c) **Required Settlement Authority.** Except as otherwise provided in LCvR16.2(b)(2), each party must attend with full settlement authority, as defined in the settlement conference order. That authority may not be delegated to outside counsel.

(d) **Settlement Conference Statements.** Unless otherwise ordered, each party shall submit a settlement conference statement to the assigned settlement judge and serve counsel for all other parties at least three business days before the conference. A cover sheet in the form prescribed in [Appendix VI](#) shall be submitted with the statement. The statement shall not exceed five pages double-spaced and shall set forth the relevant positions of the parties concerning factual issues, legal issues, and relief requested. The statement and cover sheet shall not be filed in the case or made part of the court file.

(e) **Required Discussions Prior to the Settlement Conference.** Prior to the settlement conference, the attorneys shall discuss settlement and other forms of alternative dispute resolution with their respective clients and opposing counsel (or pro se parties). The history of the negotiations shall be stated in the cover sheet to the settlement conference statement.

(f) **Requests for Relief.** A request for relief from any aspect of this rule shall be made to the settlement judge in the manner set forth in the settlement conference order.

(g) **Sanctions.** Failure to comply with any provision of this rule or the settlement conference order may result in the imposition of sanctions.

LCvR16.3 Alternative Dispute Resolution and Settlement Procedures.

(a) **Authorization.** The Court authorizes Alternative Dispute Resolution (ADR) methods including mediation, judicial settlement conferences, and summary jury trials.

(b) **Certification of ADR Discussions in the Joint Status Report and Discovery Plan.** Prior to the first status and scheduling conference:

(1) all counsel shall discuss ADR with their client(s),

(2) all counsel and pro se litigants, if applicable, shall discuss ADR with one another, and

(3) all counsel and pro se litigants, if applicable, shall indicate whether the party elects to have the action referred to a specific procedure, if appropriate. Certification of these discussions must be submitted in conjunction with the Joint Status Report and Discovery Plan filed pursuant to [LCvR16.1](#).

(c) **Confidentiality and Limitations of Use of Settlement Information.** All communications made in connection with a settlement conference shall be considered confidential. Unless otherwise permitted under Fed.R.Evid. 408 or any other provision of federal law, communications made in connection with ADR may not be used by any party in the trial of the case. Any motion by counsel or reports by a neutral including those concerning noncompliance with the local rules shall not violate confidentiality.