

RULE 270 (Fed. R. Civ. P. 16)**COURT SETTLEMENT CONFERENCES**

(a) Setting of Settlement Conferences. A settlement conference shall be held in all actions unless otherwise ordered by the Court on objection of a party or for other good cause. Counsel shall notify the Court when the settlement conference is set if the litigation is unusual or complex and if there is a need to provide for additional time or special arrangements to ensure that the settlement conference will be meaningful.

(b) Settlement Conferences Before the Assigned Judge or Magistrate Judge. Unless all the parties affirmatively request that the assigned Judge or Magistrate Judge participate in the conference and waive in writing any claim of disqualification on that basis to act as Judge or Magistrate Judge in the action thereafter, the assigned Judge or Magistrate Judge shall not conduct the settlement conference. See L.R. 240(a)(16).

(c) Settlement Conference Statements. Unless otherwise ordered by the Court, the submission of settlement conference statements before the conference is optional. Statements submitted before the conference are reviewed in preparation for the conference and may assist in achieving the goals of the conference; they should be drafted with that purpose in mind.

(d) Confidentiality of Settlement Conference Statements. Settlement conference statements shall not be disclosed to the Judge or Magistrate Judge assigned to try the action unless the parties have agreed, and the Judge or Magistrate Judge has approved, that such Judge or Magistrate Judge will preside at the settlement conference. Settlement conference statements may be e-mailed in .pdf format directly to the courtroom deputy clerk of the Judge or Magistrate Judge before whom the settlement conference is to be held or may be submitted in paper directly to chambers. If the statement is confidential, it must be clearly captioned to reveal its confidential character. If a party is submitting a confidential settlement conference statement, the party must file a one page document entitled "Notice of Submission of Confidential Settlement Conference Statement." That filing, if done electronically, will thereby effect service of this notice on all other parties. If the notice is filed conventionally, the filing party must serve all other parties. The parties may agree, or not, to serve each other with the settlement statements.

(e) Return of Settlement Conference Statements. At the completion of the settlement conference, the Judge or Magistrate Judge before whom the settlement conference is held shall return the statements to the respective parties who submitted them or otherwise dispose of them. Settlement conference statements shall not be filed or made a part of the Court's records.

(f) Participation of a Principal.

(1) United States Not a Party. In actions in which the United States is not a party, and unless specifically permitted otherwise by the Judge or Magistrate Judge conducting the settlement conference, counsel shall be accompanied in person—by a person capable of disposition, or shall be fully authorized to settle the matter at the settlement conference on any terms. When settlement must be approved by a vote of a party's governing body, unless specifically permitted otherwise by the Judge or Magistrate Judge conducting the settlement conference, counsel shall be designated or shall be accompanied in person by a representative designated by the body who shall have learned the body's preconference disposition relative to settlement.

(2) United States a Party. In actions in which the United States is a party, the attorney for the United States shall obtain the approval of the United States Attorney to compromise any matter within the authority delegated to the United States Attorney by rule or regulation of the Attorney General. If such delegated authority to approve a compromise settlement is limited by the opposition of another federal agency, a responsible and knowledgeable representative of such agency shall attend the conference. In other actions in which the approval of officials of the Department of Justice in Washington, D.C. is required for a compromise settlement, the attorney for the United States shall, before the settlement conference, attempt to confer with such officials, or their appropriate representatives, to determine the terms and conditions upon which a compromise settlement would be approved. If a tentative compromise settlement that is within such terms and conditions is agreed to at the conference, the attorney for the United States shall promptly recommend it to and seek the required approval of the appropriate official.