

**INSTRUCTIONS FOR PREPARATION OF CONFIDENTIAL SETTLEMENT  
STATEMENTS (“CSS”)  
for Submission to Magistrate Judge Mix**

**Effective January 1, 2008**

**I. Introduction**

I am sensitive to the demands placed on counsel by the varying requirements of our court’s judicial officers. I carefully considered those demands before deciding that I must revise my settlement conference procedures in order to maximize the efficient use of the parties’, counsels’ and the court’s time, and to ensure the greatest possibility of success in reaching mutually agreeable settlements. If you follow these instructions carefully, I will be able to use my best efforts towards resolution of your case. On the other hand, if you do not follow these instructions, I may require that you revise your CSS, or postpone or cancel the settlement conference. Thank you for your cooperation.

**II. Confidentiality**

In our court, in order to protect the integrity of the process, settlement conferences are confidential. I take this policy very seriously. In conducting the settlement conference, I will not use information provided in your CSS unless you explicitly authorize me to do so. (When appropriate, I may suggest that you authorize me to disclose information.) Therefore, please include in your CSS a designation of all information that you do not wish me to share with the other party (parties) and/or counsel (see Section III. E. iii. below). You may not disclose information exchanged during the settlement conference to anyone who is not a party to the litigation, counsel to a party, or counsel’s support staff.

**III. Instructions Regarding Content of CSS**

Please include the following information in your CSS:

- A. An explanation of the facts of the case, computation of damages, and recitation of appropriate legal authority supporting the claims or defenses.
- B. A *numbered list* of the known significant disputed issues of fact.
- C. A *numbered list* of the known significant disputed legal issues.
- D. An *accurate and complete* history of settlement negotiations, including dates and amounts of demands and offers.

- E. An explanation of your preferences for how the settlement conference should proceed. For example, you may address the following issues:
  - i. Should each of the parties be physically separated, and why or why not?
  - ii. Given your knowledge of the case and the parties, your assessment of the most effective settlement conference method. Is the case more likely to settle by using a back-and-forth negotiating process or another method? Would a judicial evaluation of the merits of the case and/or its value be helpful or harmful?
  - iii. Designate all information that you do not wish me to share with the other party (parties) and/or counsel.
- F. A good faith evaluation of the value of the case, considering the facts, provable damages, damages limitations (if any), legal issues, witness strengths and weaknesses, procedural status, timing of trial, comparable case verdicts, and any other information you believe to be relevant, AND a good faith explanation of why you value the case as you do.
- G. A settlement demand or offer.

#### **IV. Instructions for Filing of CSS**

If you participate in ECF, please e-mail the CSS in PDF format to my chambers: [Mix\\_Chambers@cod.uscourts.gov](mailto:Mix_Chambers@cod.uscourts.gov). All additional settlement materials (e.g. deposition transcripts, exhibits, etc.) must be submitted to the court in hard copies. Please mail or deliver additional materials either to the Clerk of the Court or directly to me in an envelope marked "Confidential and Private per Magistrate Judge Mix's Order." If you do not participate in ECF, you should mail or deliver your CSS and additional materials as hard copies, as instructed above.

#### **V. Entry to the Courthouse and Cellular Telephones**

Anyone seeking entry into the Alfred A. Arraj United States Courthouse or the Byron Rogers United States Courthouse will be required to show valid photo identification. Cellular telephones with cameras are not permitted in United States Courthouses. Please don't bring them.