

## **ATTORNEY SETTLEMENT CONFERENCE PREPARATION**

- Prior to the settlement conference, discuss with client:
  - His/her goals and interests;
  - His/her preliminary bottom-line settlement offer/demand;
  - The strengths and the weaknesses of the case;
  - The risks/benefits of not settling, including:
    - dismissal/summary judgment;
    - emotionally difficult, legally difficult and/or lengthy trial;
    - judgment by a jury of strangers with various backgrounds, perspectives and biases;
    - unfavorable verdict, including as applicable:
      - no cause
      - high damage award
    - risks and length associated with appeals;
    - accumulation of costs.
- Prepare client by explaining:
  - The settlement conference process;
  - That Judge Stafford will maintain confidentiality of discussions;
  - That the conference may be emotionally difficult;
  - That Judge Stafford will bluntly address weaknesses of his/her case;
  - That client should come to settlement conference with an open, creative and flexible mind for finding common ground;
  - That the opposing party's perspective is equally important.

**Attorneys and clients alike must be honest with Judge Stafford and refrain from posturing.**