

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION**

GENERAL MEDIATION ORDER

In accordance with the Scheduling Order and the attached memorandum regarding Mediation Procedures, the Court ORDERS that

All counsel and parties in matters referred to mediation administered by the Multi-Door Dispute Resolution Division (“Multi-Door Division”) shall submit to the Multi-Door Division, no later than 14 days before the scheduled mediation date, a completed Confidential Settlement Statement.

Additionally, all counsel shall submit a Mediation Readiness Certificate to CivilMRC-CSS@dcsc.gov certifying that: (1) this case is ready for Mediation, including that the attached Confidential Settlement Statement has been timely filed with the Multi-Door Division, (2) all parties and at least one counsel of record for each represented party will be present, unless excused by the Judge, and (3) the individual whose authority may be needed to settle the case will be present, unless excused by the Judge.

Failure of any party or their attorney to comply with these procedures will result in the scheduling of a status conference for the purpose of determining whether sanctions should be imposed for the failure to comply with this order.

Judge

Date: _____

MEDIATION PROCEDURES

Extensive experience throughout the country has shown that a high percentage of civil cases referred for mediation are amicably settled without the need for an expensive and time-consuming trial. The likelihood of settlement is enhanced when *all* parties to the lawsuit meet face-to-face for discussions in the presence of a neutral party. This is true even where an insurance company is involved. The Court has therefore instituted the following procedures for all cases ordered to participate in mediation. Parties and their attorneys are cautioned that sanctions may be imposed on those who do not comply.

1. All parties and their attorneys must appear for mediation at the Multi-Door Dispute Resolution Division in accordance with the Scheduling Order entered in the case. Parties not represented by an attorney are not required to get an attorney for mediation. You may contact the Multi-Door Dispute Resolution Division at 202-879-1549 with questions regarding the mediation.
2. Fourteen days prior to mediation, each party must complete and submit the attached "Confidential Settlement Statement". Additionally, attorneys are required to submit the attached "Mediation Readiness Certificate" to Multi-Door Dispute Resolution Division, 410 E Street, N.W., Suite 2900, Washington, D.C. 20001; or by email to: CivilMRC-CSS@dcsc.gov. Please see the attached filing instructions for more details. **Do not send copies of the Mediation Readiness Certificate or Confidential Settlement Statement to the clerk, assigned Judge, or other attorneys/parties.**
3. Failing to submit the required forms will result in mediation being cancelled and a status hearing being set before the Calendar Judge to show cause why sanctions should not be imposed. Attorneys may file one readiness certificate and settlement statement for all the parties he or she represents, provided that all those parties are clearly and expressly indicated on the statement.
4. Any party or attorney who believes that he or she has been incorrectly notified to appear for mediation must contact the Civil Actions Branch at 202-879-1133. Where no such action is taken, the party or attorney will be required to participate fully in the mediation.
5. Corporations, partnerships and other business entities must bring an officer, partner or other individual with settlement authority to mediation, unless previously excused by the Judge. WMATA, the District of Columbia and other government entities are required to send a representative whose authority may be needed to settle the case, unless excused by the Judge.
6. If authorized by the Judge, an insurance representative with full settlement authority may attend the conference in place of the insured party.
7. An insurance representative whose authority may be needed to settle the case is required to attend the mediation unless excused by the Judge. *See* Super. Ct. Civ. R. 16 (j).
8. A party or an insurance representative residing outside the local metropolitan area who has been excused from attending by the Judge must be available by long-distance collect telephone call throughout the entire mediation session. The attorney for the absent party or insurance representative must advise the Multi-Door Division prior to

mediation of any such arrangement, and provide the name of the individual party who will be available by telephone. *See* Super. Ct. Civ. R. 16 (j).

9. If authorized by the Judge, parties may attend private mediation in lieu of Multi-Door mediation. Parties attending private mediation are bound by the attendance guidelines outlined in paragraphs 5 through 8.

10. If the case settles prior to mediation, the original and one copy of the praecipe or document disposing of the case must be filed with the clerk's office. A copy must also be sent to the Multi-Door Division in lieu of a Mediation Readiness Certificate and Confidential Settlement Statement. Attorneys must be certain to inform the Multi-Door Division of settlements occurring prior to mediation. If no praecipe or document disposing of the case is filed, the mediation shall go forward.

11. **Mediation:** Mediation sessions are confidential. The participants will be asked to sign an "Agreement to Mediate" at the beginning of the session confirming their understanding of the session's confidential nature. All proceedings at mediation, including any statement made by any party, attorney or other participant, are privileged. They may not be construed as an admission against interest and nothing said during the sessions may be used in court in connection with the case or any other litigation. No party is bound by anything said or done at mediation unless a settlement is reached and a settlement praecipe is filed with the Court.

12. **Mediator's Role:** During the mediation session the mediator will meet initially with all the parties, the insurance representative, or other government representative and attorneys. He or she may then meet with each side privately as necessary to clarify important issues and to allow parties to reveal in confidence the factors viewed as critical to settlement. Through a series of meetings with the parties, individually and together, the mediator will try to facilitate an agreement that will satisfy the interests of all concerned.

13. **Continuance:** Except for car accident vehicle (CAV) cases, a one-time consent request for rescheduling mediation, before the Confidential Settlement Statement return date (14 days before mediation), may be granted by contacting the Civil Actions Branch at 202-879-1133. All requests to continue thereafter must be submitted to the assigned Judge through a motion. Any request to continue a CAV case must be submitted to the assigned Judge.

14. **Settlement:** If the case is settled at the time of mediation, a copy of the settlement *praecipe* or other document memorializing the settlement must be filed promptly with the Multi-Door Division case manager. If the parties need approval of the settlement by the Court, the Multi-Door Division will set a status hearing on the Judge's calendar. The parties are responsible for filing a motion for court approval of the settlement. Please note that settlements involving minors require judicial approval. *See* D.C. Code § 21-120 (2001).

15. If the case does not settle, it will proceed to a pretrial conference and trial as directed by the governing scheduling order.

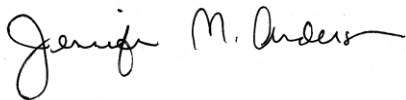
So Ordered.



Laura A. Cordero



Kelly A. Higashi
Associate Judge, Civil Calendar 1

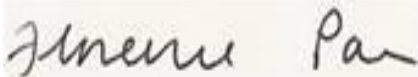


Jennifer M. Anderson
Associate Judge, Civil Calendar 3

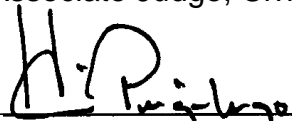


Yvonne Williams
Associate Judge, Civil Calendar 5

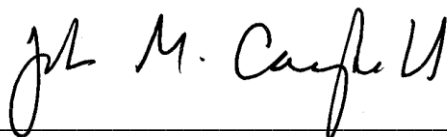
Judge to be announced
Associate Judge, Civil Calendar 7



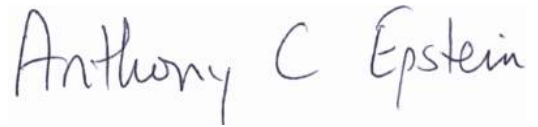
Florence Y. Pan
Associate Judge, Civil Calendar 9



Hiram Puig-Lugo
Associate Judge, Civil Calendar 11



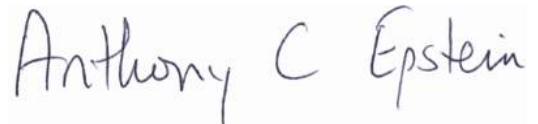
John M. Campbell
Associate Judge, Civil Calendar 13



Anthony C. Epstein
Deputy Presiding Judge, Civil Division



Michael L. Rankin
Associate Judge, Civil Calendar 2



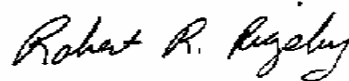
Anthony C. Epstein
Associate Judge, Civil Calendar 4



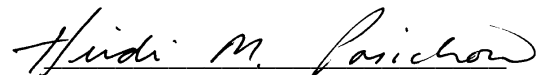
Fern Flanagan Saddler
Associate Judge, Civil Calendar 6



William M. Jackson
Associate Judge, Civil Calendar 8



Robert R. Rigsby
Associate Judge, Civil Calendar 10



Heidi M. Pashichow
Associate Judge, Civil Calendar 12



José M. López
Associate Judge, Civil Calendar 14

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
MULTI-DOOR DISPUTE RESOLUTION DIVISION
MEDIATION READINESS CERTIFICATE AND CONFIDENTIAL SETTLEMENT STATEMENT
FILING INSTRUCTIONS

The General Mediation Order requires attorneys to file a Mediation Readiness Certificate (MRC) and Confidential Settlement Statement (CSS) with the Multi-Door Division **14 days** before the mediation date. Parties not represented by attorneys are only required to file a CSS. ***Parties and their attorneys are cautioned that the Multi-Door Division will cancel mediation and set a status hearing before the calendar Judge if the MRC and CSS are not submitted timely.***

Delivery: Completed MRC and CSS forms are accepted by e-mail at CivilMRC-CSS@dcsc.gov. You will receive a reply message as proof of filing. For recordkeeping purposes, MRC and CSS forms sent after 5:00 p.m. are considered received on the next working day. If you cannot e-mail your MRC and CSS, please deliver or mail them to the Multi-Door Dispute Resolution Division, 410 E Street, N.W., Suite 2900, Washington, D.C. 20001. Delivery must be made between the hours of 8:30 am and 5:00 p.m.; *there is no after-hours filing box for MRC and CSS forms.*

Do not deliver MRC and CSS forms to the Civil Division or any after-hours filing box. Proper filing with the Multi-Door Division will ensure that the MRC and CSS remains confidential and are not filed in the Court's case jacket nor shown to anyone other than the mediator assigned to the case. For additional filing information, please call the Multi-Door Division at 202-879-1549.

CSS Response: Please be comprehensive and candid in your responses; this information is important to the mediation. You are encouraged to include additional information that may be helpful to the mediator.

If your mediation is rescheduled, you must resubmit the original or a revised MRC and CSS, with the correct date indicated.

Superior Court of the District of Columbia



Multi-Door Dispute Resolution Division

Mediation Readiness Certificate

Case Number: _____ Mediation Date: _____

Case Name: _____

As required by the **General Mediation Order**, I hereby certify that:

- I have completed all discovery due by me;
- There are no motions pending that will impede settlement negotiations during mediation;
- I have discussed the case with my client(s) and we are prepared to engage in good faith settlement negotiations;
- My Confidential Settlement Statement has been filed;
- My client(s) will be present or has been excused from attendance by the Judge;
- All parties and any person not a party whose authority is needed to settle the case will be present, or have been excused by the Judge pursuant to Civil Rule 16(j).

Please check **one** of the following:

- Counsel signing below **is ready** for mediation and meets all criteria listed above.
- Counsel signing below **is ready** to participate in good faith settlement negotiations at mediation despite not meeting all criteria listed above.
 - Please explain: (ex: outstanding discovery will not impede settlement negotiations) _____
- Counsel signing below **is not ready for** mediation due to one or more of the following reasons (If you select this option, your mediation will be **cancelled** and a status hearing will be set before the Judge):
 - Discovery is not complete
 - There is/are pending motion(s) that will impede settlement negotiations during mediation
 - My client is unreachable
 - I have a pending motion to withdraw as counsel

Certified by:

Submission Date:

Attorney for _____

This form must be submitted no later than 14 days prior to mediation
Attorneys are advised that misrepresentations may result in the imposition of sanctions

CONFIDENTIAL SETTLEMENT STATEMENT
Multi-Door Dispute Resolution Division

Judge _____ Case Number _____

Case Caption _____

This case is scheduled for a:

Mediation Conference on _____ at 9:00 11:00

Do any of the parties involved require an interpreter? Yes No

If yes, please identify the specific language the court interpreter needs to be certified in:

Mediator Expertise Desired: _____
(please specify)

Submitted by:

Check one

Attorney or *Pro Se* Party

- Plaintiff Defendant
 3rd party Plaintiff
 3rd party Defendant

Telephone

Email Address

List below the names of all parties you represent. (Attach an additional page if necessary).
The filing of one settlement statement will suffice for all of the parties that you represent in
this matter, provided all of the parties are listed.

Name of party

Name of party

Name of party

Name of party

Please provide answers to the following questions:

1. Describe in detail the facts of the case and the claims being raised:

2. (Plaintiff Only) Describe the type and scope of injuries and any monetary and/or equitable relief being sought (please list items separately, such as lost wages, medical costs, etc.):

3. (Defendant Only) Describe any counterclaims being raised:

4. How do you assess the value of this case for settlement purposes?

Minimum \$ _____ Maximum \$ _____

5. Describe any settlement offers/demands that you have made and the current status of settlement discussions:

6(a). (Defendant Only) If the claims at issue are covered by insurance please provide the policy

limits:

- 6(b). (Defendant Only) If yes, please identify the insurance company and the name of the claims representative who you anticipate will be attending the session because his authority may be needed to settle the case. (See Super. Ct. Civ. R 16(j)).
7. (Plaintiff only) Identify any outstanding liens, their amounts, and any negotiations with lien holders:
8. Identify anyone who is not listed as a party that you believe should be present at mediation for meaningful settlement negotiations:
9. Describe any relational factors or history between the parties that could impact the mediation (positively or negatively):
10. What additional information, not found in filings, should the mediator know in order to engage parties in meaningful settlement negotiations? (Remember that the discovery deadline precedes the mediation date.)

Date submitted