

IN THE DISTRICT COURT IN AND FOR TULSA COUNTY  
STATE OF OKLAHOMA

	)	
Plaintiff(s),	)	
	)	
v.	)	Case No. _____
	)	
	)	
	)	
Defendant(s)	)	
	)	
v.	)	
	)	
	)	
Third Party Defendant(s).		

**EARLY SETTLEMENT  
SETTLEMENT CONFERENCE ORDER**

The following are mandatory guidelines for the parties in preparing for the settlement conference.

1. **PURPOSE OF CONFERENCE:** The purpose of the settlement conference is to permit an informal discussion between the attorneys, parties, non-party indemnitors or insurers, and the settlement judge of every aspect of the lawsuit. This educational process provides the advantage of permitting the settlement judge to privately express his or her views, concerning the parties' claims. The settlement judge may, in his or her discretion, converse with the lawyers, the parties, the insurance representatives or any one of them outside the hearing of the others. Ordinarily, the settlement conference provides the parties with an enhanced opportunity to settle the case, due to the assistance rendered by the settlement judge.
  
2. **FULL SETTLEMENT AUTHORITY REQUIRED:** In addition to counsel who will try the case, a person with full settlement authority must be present for the conference. **Attendance via videoconference will be construed as a party or counsel being present for settlement purposes.** This requires the presence of your client or, if a corporate entity, an authorized representative of your client, who is not a lawyer who has entered an appearance in the case. A business decision-maker with a law degree, who has not entered an appearance, may be the designated person with authority.

For a defendant, such representative must have final settlement authority to commit the company to pay, in the representative's discretion, a settlement amount recommended by the settlement judge up to the plaintiff's prayer (excluding punitive damage prayers in excess of \$100,000) or up to the plaintiff's last demand, whichever is lower.

For a plaintiff, such representative must have final authority, in the representative's discretion, to authorize dismissal of the case with prejudice, or to accept a settlement amount recommended by the settlement judge down to the defendant's last offer.

The purpose of this requirement is to have representatives present who can settle the case during the course of the conference without consulting a superior.

3. **EXCEPTION WHERE BOARD APPROVAL REQUIRED:** If Board approval is required to authorize settlement, attendance of the entire Board is requested. The attendance of at least one sitting member of the Board (preferably the Chairman) is absolutely required.
4. **APPEARANCE WITHOUT CLIENT PROHIBITED:** Counsel appearing without their clients (whether or not you have been given settlement authority) will cause the conference to be canceled and rescheduled. Counsel for a government entity may be excused from this requirement upon proper application under Local Court Rule 16.3(H).
5. **AUTHORIZED INSURANCE REPRESENTATIVES REQUIRED:** Any insurance company that (1) is a party; (2) can assert that it is contractually entitled to indemnity or subrogation out of settlement proceeds, or (3) has received notice or a demand pursuant to an alleged contractual requirement that it defend or pay damages, if any, assessed within its policy limits in this case, must have a fully authorized settlement representative present at the conference, **whether it be in person or by videoconference**. Such representative must have final settlement authority to commit the company to pay, in the representative's discretion, an amount recommended by the settlement judge within the policy limits.

The purpose of this requirement is to have an insurance representative present who can settle the outstanding claim or claims during the course of the conference without consulting a superior. Any insurance representative authorized to pay, in his or her discretion, up to the plaintiff's last demand will also satisfy this requirement.

6. **ADVICE TO NON-PARTY INSURANCE COMPANIES REQUIRED:** Counsel of record will be responsible for timely advising any involved non-party insurance company of the requirements of this order.
7. **PRE-CONFERENCE DISCUSSIONS REQUIRED:** The attorneys are directed to discuss settlement with their respective clients and insurance representatives, and opposing parties are directed to discuss settlement so the parameters of settlement have been explored well in advance of the settlement conference.
8. **SETTLEMENT CONFERENCE STATEMENT REQUIRED:** **The original settlement conference statement of each party must be submitted directly to the adjunct settlement judge \_\_\_\_\_ by email to the following address \_\_\_\_\_ no later than the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, setting forth the relevant positions of the parties concerning factual issues, issues of law, damages and the settlement negotiation history of the case, including a recitation of any specific demands and offers that may have been conveyed. **Copies of the settlement conference statement are to be promptly transmitted to all Counsel of record.** Pertinent evidence to be offered at trial should be brought to the settlement conference for presentation to the settlement judge if thought particularly relevant. The settlement conference statement may not exceed five (5) pages in length and will not be made a part of the case file. Therefore, **they must not be filed. Failure to submit the settlement conference statement to the adjunct settlement judge may result in the cancellation of your settlement conference.****
9. **CONFIDENTIALITY STRICTLY ENFORCED:** Neither the settlement conference statements nor communications of any kind occurring during the settlement conference can be used by any party with regard to any aspect of the litigation or trial of the case. Strict confidentiality shall be maintained with regard to such communications by both the settlement judge and the parties.

10. **CONTINUANCES ARE DISCOURAGED:** As settlement conferences require the reservation of large blocks of time, and the administrative burden of rescheduling one is significant, applications for continuance of the settlement conference are generally discouraged. However, these considerations are outweighed if the settlement conference, as set, will result only in wasted effort or in the event of a significant scheduling conflict. **Counsel should call the assigned adjunct settlement judge as well as opposing counsel to check dates and then notify the Early Settlement office of the mutually agreed upon new or rescheduled date at (918) 596-7746.**
11. **SETTING:** The settlement conference is set on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ m. at \_\_\_\_\_, Tulsa, Oklahoma. **In the event a settlement between the Parties is reached before the settlement conference date, please notify both the adjunct settlement judge assigned as well as the Early Settlement office at (918) 596-7746.**
12. **NOTIFICATION OF SETTLEMENT PRIOR TO CONFERENCE REQUIRED:** In the event a settlement is reached between the parties prior to the above scheduled settlement conference date, parties are to notify the Early Settlement office immediately at (918) 596-7746.
13. **CONSEQUENCES OF NON-COMPLIANCE:** Upon certification by the adjunct settlement judge of circumstances showing non-compliance with this order, the assigned trial judge may take any corrective action permitted by law. Such action may include contempt proceedings and/or assessment of costs, expenses and attorney fees, together with any additional measures deemed by the court to be appropriate under the circumstances.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**TULSA COUNTY DISTRICT COURT OF OKLAHOMA**

By: \_\_\_\_\_, District Court Judge