

Settlement Strategies II

A few years back I gave a presentation at a conference called Effective Settlement Strategies. A document outlining those strategies is posted on the website and I urge you all to read it.

Most significantly, however, I am concerned that settlement conferences are less productive than they should be because the parties are still working out procedural and administrative matters such as 1) whether there was service of process, 2) whether defendant was sued, 3) what cases defendant is in, 4) what is the demand, 5) whether the plaintiff identified the product, 6) what is the nature of the id, 7) whether discovery was exchanged or requested. The settlement conference is NOT the place to iron out those issues. Rather, counsel should speak to one another in ADVANCE of the conference to work out such matters. Many of you do that routinely and it makes settlement conferences much more effective.

My most recent settlement conferences notices directed counsel for defendants to call counsel for plaintiff well before the conference to clear up such matters. Those counsel who did so were able to engage in a meaningful discussion about their cases. Those who did not were simply not prepared to go forward.

The protocol going forward is for defense counsel to call counsel for plaintiff in advance of scheduled settlement conferences so that we can work toward resolving cases in a meaningful manner. I know I can count on everyone's cooperation.

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