

LR 16
PRETRIAL PROCEDURE AND FORMULATING ISSUES

(e) Exhibits. Parties shall notify the trial judge and the opposing party by letter if that party anticipates offering 25 exhibits or more at the time of trial. Said notice shall be given no less than two (2) weeks prior to the trial date.

(f) Settlement Conferences

(1) On Motion by Party. Any party in any pending case may serve and file a motion for a settlement conference directed to the department to which the settlement is assigned in accordance with paragraph (5) below.

(2) On Court's Motion. The court to which a case is assigned for trial may, upon its own motion after a trial date has been set, order a settlement conference in any pending case, and a settlement conference shall be held unless all parties file objections thereto.

(3) Subsequent Motion by Party. Where a motion for a settlement conference is defeated by the filing of an objection or objections, any party in said cause may file another motion for a settlement conference after thirty days following the filing of the last previous motion for a settlement conference.

(4) Order for Settlement Conference. Upon the entry of an order for a settlement conference, the judge shall fix a specific date and hour for the conference. If the party presenting such order has limited ability to speak or understand the English Language, or if such party knows or, after reasonable inquiry has reason to believe, that any other party to the action has limited ability to speak or understand the English Language, the party presenting such Order for entry shall indicate on such order that an interpreter is needed and the language for which the interpretation is needed. The party presenting such order for entry shall, substantially simultaneously with the entry of such order, provide a copy thereof to Judges Chambers.

(5) Assignment of Judge. A judge not assigned to preside over the trial shall conduct the settlement conference.

(6) Preparation and Attendance. The attorney personally in charge of each party's case shall personally attend all settlement conferences and shall, not less than three (3) days prior to the date set for the settlement conference, serve on the assigned judge and the attorney for the opposing party a letter succinctly addressing the following:

- a. A brief factual summary;
- b. Issues regarding liability;
- c. Issues regarding damages, both special and general
- d. History of any settlement negotiations; and
- e. Current position on settlement.

In family law cases, counsel shall also serve on the assigned judge and attorney for the opposing party the completed matrix included herein as Exhibit B to LR 94.04.

Each attorney shall be prepared to discuss the foregoing in detail at the settlement conference.

(7) Attendance of Parties. The parties shall in all cases attend the settlement conference.

Parties whose defense is provided by a liability insurance company need not personally attend said settlement conference, but a representative of the insurer of such party, if such a representative is available in Chelan-Douglas counties, shall attend with sufficient authority to bind the insurer to a settlement. In the event such a representative is not available, counsel representing the party whose defense is provided by the insurer shall make a good faith effort to obtain settlement authority to bind the insurer to a settlement prior to the settlement conference.

Attendance of any party may be excused by the court where by reason of health, or other good and sufficient reason, compelling his personal attendance would be unduly burdensome. Whether or not the attendance of any party is required shall rest in the discretion of the judge presiding at the settlement conference. Request for excuse shall be made at least three (3) days prior to the hearing.

(8) Proceedings Privileged. Proceedings of said settlement conference shall, in all respects, be privileged and shall not be reported or recorded. No party shall be bound unless a settlement is reached. When a settlement has been reached, the judge may, at the request of any party, in his or her discretion, order the settlement to be reported or recorded.

(9) Sanctions. Where a party has failed to comply with any of the provisions of this rule the court shall make such orders as are just, which shall include the award of reasonable expenses, including attorney's fees, caused by the failure, unless the court finds that the failure was substantially justified or that other circumstances make an award of expenses unjust.

