

CALIFORNIA - SOUTHERN

Local rule 16.1

c. **Early Neutral Evaluation ("ENE") Conference.**

1. Within forty-five (45) days of the filing of an answer, counsel and the parties must appear before the assigned judicial officer supervising discovery for an early neutral evaluation conference; this appearance must be made with authority to discuss and enter into settlement.

At any time after the filing of a complaint and before an answer has been filed, counsel for any party may make a request in writing to the judicial officer assigned to supervise discovery in the case to hold an early neutral evaluation conference, discovery conference or status/case management conference. Copies of the request must be sent to counsel for the parties and the parties whose addresses are known to the requesting counsel. Upon receiving such request, the judicial officer will examine the circumstances of the case and the reasons for the request and determine whether any such conference would assist in the reduction of expense and delay the case. The judicial officer will hold such conferences as he or she deems appropriate.

a. At the ENE conference, the judicial officer and the parties will discuss the claims and defenses and seek to settle the case.

b. The ENE conference will be informal, off the record, privileged, and confidential.

c. Attendance may be excused only for good cause shown and by permission of the court. Sanctions may be appropriate for an unexcused failure to attend.

2. If no settlement is reached at the ENE conference, the judicial officer may do one of the following:

a. Refer to non-binding arbitration or mediation to occur within forty-five (45) days (1) any case where the judicial officer believes arbitration or mediation might result in a cost-effective resolution of the lawsuit, and (2) any case where the parties have agreed to arbitration or mediation. Additionally, a case management conference will be set in these cases approximately sixty (60) days after the ENE conference. Parties participating in arbitration or mediation must comply with rules of arbitration and mediation adopted by General Order 387, copies of which are available from the clerk. The parties may stipulate to any other rules for the conduct of their arbitration or mediation.

b. Where no arbitration or mediation is agreed upon or ordered, the judicial officer must hold a case management conference within thirty (30) days after the ENE conference. The case management conference may be held at the conclusion of the ENE conference

Civil Rule 16.3 Settlement Conferences and Proceedings

a. **Mandatory Settlement Conference.** In each civil action, a mandatory settlement conference must be scheduled before the assigned magistrate judge or such other judicial officer as the assigned district judge may direct. If the judicial officer assigned to conduct the settlement conference determines that a case is ready for a settlement conference prior to the scheduled date, the judge may order the parties and counsel to appear for such a conference.

b. **Attendance of Parties.** The judge conducting the settlement conference may require the parties or representatives of a party other than counsel, who have authority to negotiate and enter into a binding settlement, to be present at the settlement conference.

c. **Disqualification of Judge.** The judge conducting the settlement conference will be disqualified from trying the case unless there is an agreement by all the parties to waive this restriction.

d. **In Camera Communications.** The judge conducting the settlement conference may receive *in camera* communications from each party and its counsel, and must maintain such in confidence unless there is a stipulation to the contrary.

e. **Follow-up Settlement Conference.** The judge conducting the settlement conference may schedule as many follow-up settlement conferences as the judge finds appropriate in light of the complexity of the matter or any circumstances in the case.

f. **Alternative Settlement Procedures.** A district or magistrate judge may order a non-binding mini-trial or summary jury trial in all cases the judge finds, after a hearing with an opportunity to be heard, that (1) the potential judgment does not exceed \$250,000 and (2) that the use of this procedure will probably resolve the case. In determining whether to order a mini-trial or summary jury trial, the judge must also consider the costs of the procedure and the costs that may be saved by ordering such a non-binding trial. After considering the above and any other relevant factors, the judge may order the parties to participate in a non-binding mini-trial or summary jury trial notwithstanding that one or more of the parties has objected thereto. A district and magistrate judge may also order a non-binding mini-trial or summary jury trial in all other cases where the parties have consented to such procedure.

g. **Post Verdict Settlement Conferences.** In the event that a civil case is tried before the court or a jury and a verdict is returned, the trial judge may order the case referred to the assigned magistrate judge or such other judge the parties mutually agree upon for the purpose of scheduling a settlement conference. The settlement judge will immediately schedule the settlement conference and order the parties and counsel to be present. This conference must be held before the judgment becomes final.

h. The settlement conference will be off the record, privileged and confidential, unless otherwise ordered by the court.