

SETTLEMENT WEEK MEMORANDUM

TO: District Clerk's Office, County Clerk's Office and District Court Coordinator's Office, Members of the Bar

FROM: Austin Bar Association Settlement Week Committee

RE: *March 2010 - Settlement Week for Travis County*

WHEN: March 15-19, 2010

How to submit a case:

1. Obtain a settlement week package. Settlement week packages are available:
 - a. on the Dispute Resolution Center website at www.austindrc.org;
 - b. at the Dispute Resolution Center, 5407 North IH-35, Suite 410, Austin;
 - c. on the Austin Bar Association website at www.austinbar.org;
 - d. at the Austin Bar Association, 7th Floor, Suite 700, 816 Congress Avenue, Austin;
 - e. at the information desk on the first floor of the Courthouse;
 - f. from Jason Snell, Chair of Settlement Week Committee, The Snell Law Firm, 818 West 10th Street, Austin.
2. Fill out and submit the case submission sheet to the Dispute Resolution Center no later than **4:00 PM, Friday, February 26, 2010**. The forms must be received by 4:00 p.m. to be assigned.
3. There is a **\$25.00 administrative fee**. Checks should be made payable to the Dispute Resolution Center and delivered to the Dispute Resolution Center with the case submission sheet, before 4:00 pm on Friday, February 26, 2010.

Full compliance with the settlement package instructions is required.

Should anyone have specific questions regarding settlement week, please call Kris Donley, Executive Director of the Dispute Resolution Center, at 512-279-1901, or Jason Snell, the Settlement Week Chair, at 512-477-5291. For administrative questions, please call Rita Rancken of the Dispute Resolution Center at 512-371-0033.

Mediation Assignments:

After the submission deadline passes, all cases properly submitted to the Dispute Resolution Center will be assigned to a mediator. **Mediations will be scheduled by agreement between the attorneys/parties and the mediator.** The attorneys/parties and mediator will also agree to a location for the mediation. If it is not possible for the attorneys/parties to mediate during the actual Settlement Week then the mediation may be conducted within 30 days from March 19, 2010. The submitting attorney must inform Rita Rancken of the DRC of the alternative, later date for the mediation. If there are any subsequent mediation date changes, then the submitting attorney must so inform Jason Snell in order to obtain approval for the change of date.

Volunteer Mediators:

Mediators wishing to volunteer can find the form online at the Dispute Resolution Center website, www.austindrc.org, or the Austin Bar website, www.austinbar.org. Qualified volunteer mediators are greatly appreciated.

**Office of the District Judges
Office of the County Judges
P. O. Box 1748
Austin, TX 78767**

**RE: SETTLEMENT WEEK, March 15, 2010 through March 19, 2010
*Your response is required no later than 4:00 p.m. on Friday, February 26, 2010***

Dear Member of the Bar:

As in past settlement weeks, this settlement week will result from a collaborative effort between the Travis County District Judges, the County Court at Law Judges, the Austin Bar Association, and the Dispute Resolution Center.

A \$25.00 ADMINISTRATIVE FEE IS REQUIRED FOR EACH CASE SUBMITTED. The fee is used to offset the administrative expenses incurred.

Enclosed are the forms for the upcoming Settlement Week. **Failure to comply strictly with the submission procedures and failure to pay the administrative fee will result in your case not being set for mediation.**

Participating attorneys are encouraged to exchange settlement demands and responses within a reasonable time before the mediation. The submitting attorneys will receive information notifying them of the mediator assigned to their case. Also, the mediator assigned to the case will be provided a copy of the submission sheet. The mediator assigned to the case may contact the attorneys to schedule the time and place of the mediation, or the attorneys may contact the mediator to arrange the time and place of the mediation. The Dispute Resolution Center will be available for mediations during Settlement Week (please contact Rita Rancken at 512-371-0033 to schedule a mediation at the Dispute Resolution Center), but parties and their assigned mediator may agree on a different location. The mediator may request a position paper outlining the issues in the case. You only need to prepare a position paper if one is requested.

If either attorney wishes to have an Order of Referral to Mediation, the attorney should submit the order to the court for signature.

During Settlement Week, attorneys in all selected cases are **ORDERED** to appear with their clients and/or representatives with **full authority** to settle and to conduct negotiations in the presence of a court-approved mediator. Agreements between the parties to excuse one or more parties are not permitted without a court order. In the event an order is obtained, **failure to comply FULLY with the mediation order will result in the mediation being determined invalid and/or Court Ordered sanctions.**

If you have any specific questions concerning our next Settlement Week, please contact Kris Donley, the Executive Director of the Dispute Resolution Center, at 512-279-1901, or Jason Snell, the Chair of Settlement Week, at 512-477-5291. For administrative questions, please call Rita Rancken of the Dispute Resolution Center at 512-371-0033. The Settlement Week Committee and the District and County Court Judges thank you for your participation.

Very truly yours,

John K. Dietz
Judge, 250th Judicial District Court
Local Administrative Judge

Enclosures

SETTLEMENT WEEK SUBMISSION SHEET

March 15, 2010 – March 19, 2010

MUST BE RETURNED BY 4:00 PM on Friday, February 26, 2010

- **PLEASE READ CAREFULLY!** Failure to comply strictly with these submission procedures will result in your case not being set for mediation.

In order to help the Settlement Week Committee assign the submitted cases, please answer the following questions:

1. Is this a VLS case? _____
2. Is either party Pro Se? _____
3. Is this a Pro Bono or Reduced Fee case? _____
4. Is this case submitted by agreement of all the parties and attorneys? _____
5. Complete all areas of the Submission Sheet. Failure to do so may result in your case being rejected. Return via the following options:

Please make the \$25.00 check payable to **DISPUTE RESOLUTION CENTER (DRC)**. The submitting attorney is responsible for paying the \$25.00 administrative fee, but the attorney for each party can share the cost of the administrative fee.

Mail or deliver the submission sheet and the administrative fee to:

Rita Rancken, Dispute Resolution Center, 5407 North IH-35, Suite 410, Austin, TX 78723,
telephone no.: 512-371-0033

There is a 5-case per attorney limit. Cases will be assigned to a mediator on a first come-first served basis. The attorneys/parties are responsible for scheduling the mediation with the mediator for an agreeable time and location. You will receive notice of the mediator assigned to your case before the week of March 8, 2010.

⇒ NOTE: It is not acceptable for parties to appear by phone. Everyone must be present during the mediation; this includes attorneys, clients and insurance representatives.

The attached Case Submission Sheet must be filled out completely. Please feel free to attach additional pages if needed.

****** By submitting a case, the submitting attorney *certifies* to the court that all parties agree to submitting the case for mediation during settlement week. And if it is not possible for all parties to mediate during the actual Settlement Week, March 15-19, then the mediator and attorneys/parties must agree to mediate the case within 30 days from March 19, 2010, and so inform the DRC administrative staff person, Rita Rancken, of the alternative mediation date selected prior to Settlement Week. The submitting attorney is responsible for notifying all parties of the mediator selected.**

If any attorney obtains an Order for Referral to Mediation, you must immediately provide a copy of same to all parties.

**** PLEASE REMEMBER TO INCLUDE THE \$25.00 ADMINISTRATIVE FEE. ****

CASE SUBMISSION SHEET

Cause Number: _____ District or County Court Number: _____
Full Style of Case: _____

Plaintiff(s): _____ Defendant(s): _____
Individual attending mediation: _____ Individual attending mediation: _____
Attorney: _____ Attorney: _____
Address: _____ Address: _____
Zip: _____ Zip: _____
Phone #: _____ Phone #: _____
Fax #: _____ Fax #: _____
Email address: _____ Email address: _____

- Date this suit was filed: _____
 - Have all essential parties appeared and answered? _____
If not, explain. _____
 - Is any party in bankruptcy? _____ If so, has the stay been lifted by the bankruptcy court, permitting this case to proceed to mediation? _____
 - DISCOVERY: _____ complete _____ in progress _____ not started
 - SETTLEMENT NEGOTIATIONS: (check the appropriate space and provide the latest offer and demand if negotiations have been initiated.)
_____ Negotiations initiated: last offer / made by whom _____
last demand / made by whom _____
_____ No negotiations
- Approximate amount of claim \$ _____

PLEASE CHECK THE **ONE** CATEGORY WHICH BEST DESCRIBES THE CASE:

- | | | |
|------------------------------|------------------------------------|--------------------------|
| _____ Bad Faith | _____ Breach of Warranty | _____ Collection |
| _____ Construction | _____ Contract Dispute | _____ DTPA |
| _____ Employee's Rights | _____ Family Law | _____ Foreclosure |
| _____ Legal Malpractice | _____ Medical Malpractice | _____ Products Liability |
| _____ Personal Injury (auto) | _____ Personal Injury (other) | _____ Property Damage |
| _____ Real Estate | _____ Suit on note | _____ Workers' Comp. |
| _____ Probate/Estate | _____ Other (please specify) _____ | |

PLEASE CHECK ANY OF THE FOLLOWING CIRCUMSTANCES THAT DESCRIBE THE CASE:

- _____ Requires statutory construction
- _____ Involves governmental policy
- _____ Involves highly technical or scientific questions
- _____ Multiple plaintiffs or defendants (more than 3 of either). If multiple parties, do you feel this case is appropriate for mediation with a 4-hour time limit? _____
- _____ Other Special Circumstances: _____

Submitted by: _____ Phone Number: _____

Printed Name: _____

By my signature, I certify that all parties agree to this submission.

OFFICE USE ONLY: Settlement Week Reference # _____