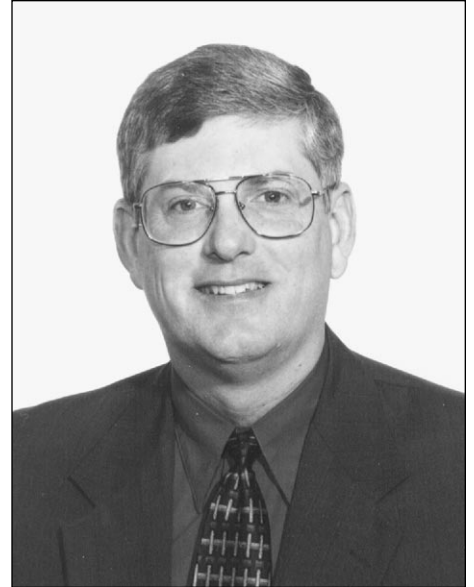


A Day in the Life of Settlement Week

by *Kevin M. Oeffner*
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The Circuit Court is in the midst of the first day of Settlement Week 2002 as I write this article. In fact, I'm making notes to use in the preparation of this article – notes reflecting my observations on the happenings around me, as we are only a few minutes away from sending the first parties to their respective settlement conferences.

I don't know what our final settlement rate will be; at this point, all I can make is an educated guess based upon past experience. I want to devote an upcoming article on the results of Settlement Week. For this article I'm going to try my hand at reporting. I'll try to put into words the observations that I'm making even now as I watch the flurry of activity that surrounds me. Here's a day in the life of Settlement Week.

12:20 p.m. – An impromptu 11:30 a.m. meeting just ended and I have less than ten minutes to eat lunch. That's not enough time so lunch will have to wait. Forty facilitators will begin descending upon the Judicial Conference Room for their 12:30 p.m. check-in. We'll feed them cookies, soft drinks, and coffee. Not the gourmet meal they deserve for giving of their time, expertise and energy, but at least it's a small token of the Court's appreciation (and budget) for their service.

12:41 p.m. – Many of the facilitators have arrived, but some have yet to show. Settlement conferences don't begin until 1:00 p.m. so we're not panicking yet. I can't help but notice the facilitators who have gathered – they are the "Who's Who" of civil law practitioners in Oakland County. If these folks can't get cases to settle, no one can. The wealth of experience and practical legal knowledge in this room is impressive.

12:55 p.m. – The Jury Assembly Room is filling up with attorneys and litigants awaiting their scheduled settlement conference. Several people are lined up at the Jury Office counter to check in for their scheduled court appearance. All the prior planning – and there is an enormous amount of planning and preparation to pull off a successful Settlement Week – will be put to the test, as the first round of settlement conferences are just minutes away.

1:23 p.m. – Some facilitators have not arrived and several attorneys and/or their clients are late or are no-shows. This

problem is beyond our control so we'll have to make the best of the situa-

tion. Court staff are working two-way radios, telephones, and cell phones in a way that I can only describe as orchestrated tumult. Forty-three rooms within the Courthouse have been reserved for settlement conferences. Someone is monitoring each area to keep track of progress.

1:49 p.m. – Our "war room" progress board shows that several settlement conferences are behind schedule or have not yet started. In most cases it's because one or more of the parties did not show or arrived late. In August, each party and his/her legal counsel received a scheduling order to appear for settlement conference. Nearly one hour has passed since the conferences were scheduled to begin. It's time to send the cases involving no-show lawyers and/or litigants to the judge.

2:14 p.m. – Judge Steven Andrews enters an order of default and dismisses a case in which neither the defendant nor his attorney appeared. Just prior to this action, Judge Andrews placed two consecutive settlements on the record – one of the cases was filed in 1999. It's good to see a mutually acceptable resolution to these older civil cases.

2:28 p.m. – I just stepped into Judge Wendy Potts's courtroom. She, along with Judge Andrews, have volunteered to place settlements on the record. I'm surprised to see so many people sitting in the gallery. I never imagined that settlements would draw such a crowd. They haven't. I had forgotten that Judge Potts conducts her criminal call on Wednesday afternoons. It looks like eight defendants are sitting in the jury box. I see parties to one civil case in the gallery, so Judge Potts will have a settlement to enter on the record as soon as her criminal call is concluded.

3:19 p.m. – The line of attorneys in the Case Management Office extends out the door and into the hallway. That's a little disappointing, although expected. Attorneys whose clients did not settle were asked to report to the Case Management Office to receive a trial date. We have four visiting judges lined up and ready to try cases as early as next week.

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3:27 p.m. – Settlement conferences were scheduled for one hour, in part on the suggestions of facilitators who assisted with our last Settlement Week in 1999. One facilitator just told me that the parties in one of his cases were close to settling and may have if given another hour. We'll have to keep this in mind for our next Settlement Week. Next time we may want to direct each case to a facilitator as his/her room opens up rather than pre-assign cases to each facilitator. Facilitators would not have to wait for their next case if the previous case settled early. They could also take whatever time they feel is needed without the worry about impacting their next scheduled case.

4:41 p.m. – We began the day with 128 settlement conferences scheduled. We're down to a handful remaining. The day hasn't gone without its glitches, but it's been productive all the same. I just spoke to a facilitator whose 3:00 p.m. case just concluded with a settlement. Earlier we redirected his 4:00 p.m. conference to a "pinch hitting" facilitator since the previous conference ran longer than expected. We're trying to ensure that the parties don't have to wait for their scheduled conference unnecessarily.

5:15 p.m. – Things are quieting down a little in the Case Management Office. Two employees are scheduling trial dates with attorneys whose cases did not settle. A facilitator just described his day to me. He was able to settle one out of three cases. I mentioned to him how much we appreciated his efforts and thanked him for his service. He enjoyed his day and said he would be happy to return and "pinch hit" if we need additional facilitators on Thursday and Friday. As he's talking to me I can't help but think about how the legal profession is frequently ridiculed by some, yet here's a man who wants to volunteer more time and effort to his chosen profession.

5:33 p.m. – I just learned that the last settlement of the day was placed on the record a few minutes ago. What a good

way to end a busy first day. I won't know until early next week if we realized our expected settlement rate. I resist the temptation to ask staff when we'll know the number of cases settled today. It's going to take a couple of days to compile all the data, and my asking won't speed up the process.

6:06 p.m. – No less than 14 court staff are meeting to review the day's events in preparation for Day Two of Settlement Week. Their focus is amazing. After a harried "opening day," everyone's attention is aimed at preparing for, and improving upon, tomorrow's session. Despite a hectic pace and long hours for the past week – including evenings and weekends – their attitudes are positive; there is an unmistakable camaraderie amongst the staff, and a resolve to do everything necessary to make tomorrow a success. I'm proud of these folks.

6:48 p.m. – Preparations for tomorrow's session are progressing nicely. It's clear that staff will be here until late this evening. I'm off to get pizza for the staff.

7:07 p.m. – The first pizza slice is devoured as 13 hungry court employees enjoy a brief respite from the day's activities. Even during dinner an informal debriefing occurs as we review the events of Day One. Several suggestions are offered regarding ways to improve the management of Settlement Week. Some of the changes are quick fixes and will be used during Day Two.

8:53 p.m. – I am advised that staff are beginning to wind it up and should be heading home within the next half hour or so.

9:07 p.m. – I turn to look back at the Courthouse West Wing just before pulling out of the parking lot. The lights are still burning bright in some of the offices. I can't help but admire the commitment of these employees. Hardworking employees, experienced facilitators, and dedicated judges – a great combination for pulling off a productive first day of Settlement Week.

Until next month...

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