

SETTLEMENT MONTH 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 Month Committee

RE: *Fall 2010 Settlement Month for Travis County*

WHEN: September 20 - October 31, 2010

How to submit a case:

1. Obtain a Settlement Month package. Settlement Month 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 Julia Benkoski, Co-Chair of Settlement Month Committee, at The Law Office of Julia G. Benkoski, Barton Oaks Plaza One, 901 South Mopac Expressway, Suite 300, Austin.
2. Fill out and submit the case submission sheet to the Dispute Resolution Center no later than **4:00 PM, Friday, September 3, 2010**. Make certain you provide an e-mail address and phone number for opposing counsel and remember to sign the form. Properly completed forms must be received by 4:00 p.m. on September 3rd 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, September 3, 2010.

Full compliance with the settlement package instructions is required.

Should anyone have specific questions regarding Settlement Month, please call Kris Donley, Executive Director of the Dispute Resolution Center, at 512-279-1901; Charlie Cannon, Settlement Month Co-Chair, at 512-372-2469; or Julia Benkoski, Settlement Month Co-Chair, at 512-329-0491. 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. Absent extenuating circumstances, mediations must be conducted between September 20th and October 31st. If extenuating circumstances develop, the submitting attorney must contact Charlie Cannon or Julia Benkoski to request an extension beyond October 31st.

Volunteer Mediators:

Mediators wishing to volunteer can find the mediator application form below or on 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 MONTH, September 20, 2010 through October 31, 2010
Your response is required no later than 4:00 p.m. on Friday, September 3, 2010

Dear Member of the Bar:

As in past years, this Settlement Month 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. Administrative fees are not refundable.

Enclosed are the forms for the upcoming Settlement Month. **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. Mediations may be scheduled at the Dispute Resolution Center during Settlement Month as space is available (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 Month, 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 Month, please contact Kris Donley, the Executive Director of the Dispute Resolution Center, at 512-279-1901; Charlie Cannon, Settlement Month Co-Chair, at 512-372-2469; or Julia Benkoski, Settlement Month Co-Chair, at 512-329-0491. For administrative questions, please call Rita Rancken of the Dispute Resolution Center at 512-371-0033. The Settlement Month 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 MONTH SUBMISSION SHEET

September 20, 2010 – October 31, 2010

MUST BE RETURNED BY 4:00 PM on Friday, September 3, 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 Month 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 September 13, 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 schedule and attend mediation during Settlement Month. 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: _____

Signature: _____
By my signature, I certify that all parties have agreed to participate in mediation during Settlement Month.

OFFICE USE ONLY: Settlement Month Reference # _____

**September 20 – October 31, 2010 Settlement Month
Mediator Application Form**

NAME _____

FIRM/EMPLOYER _____

ADDRESS _____

EMAIL _____

PHONE _____ **FAX** _____

QUALIFICATIONS: (CHECK ALL THAT APPLY)

- Attorney-Mediator. Non-Attorney Mediator.
- Have had a 40-hour mediation training and have mediated at least 5 cases on my own.
- Have had a 40-hour mediation training and have mediated less than 5 cases on my own.
- Have had advanced family mediation training.
- A copy of my 40-hour Family mediation training certificate of completion is on file at the Austin Dispute Resolution Center (if not, a copy of the certificate is attached).
- I am covered by mediator liability insurance in the amount of at least \$100,000 that I obtained from / through _____ (active DRC volunteer mediators do not need to provide this information)
- Served as a lead mediator during Settlement Week in past years.
- I can mediate in Spanish in Sign Language in _____.
- I would like to participate as an observer only.

MEDIATION FORMAT PREFERENCE: (CHECK ALL THAT APPLY)

- Mediate on my own (must have completed at least 40-hour basic mediation training course and have mediated at least 2 cases as sole mediator).
- Co-Mediate (must have completed at least 40-hour basic mediation training course and have mediated at least one case).
- I do not wish to have an observer present (an observer is a person seeking additional mediation experience but who will not participate in the mediation unless invited to do so by the mediator and the parties).
- I am willing to have an international student/lawyer observe the mediation.

AREAS OF SPECIALIZATION: (CHECK ALL THAT APPLY)

- Personal Injury General Civil Employment/Labor
- Family Law Commercial/Contract Probate/Estate
- Other _____

PLEASE RETURN BY 4:00 PM ON FRIDAY, AUGUST 27, 2010
BY MAIL OR FAX TO:
DISPUTE RESOLUTION CENTER
5407 NORTH IH-35, SUITE 410 -- AUSTIN, TX 78723 -- FAX: (512) 371-7411