

# The Honorable Joseph F. Leeson, Jr.

Judge  
United States District Court  
Eastern District of Pennsylvania

Edward N. Cahn Courthouse and Federal Building  
504 West Hamilton Street, Suite 3401  
Allentown, Pennsylvania 18101  
Telephone: 610-391-7020  
Fax: 610-821-1481  
Chambers\_of\_Judge\_Joseph\_F\_Leeson\_Jr@paed.uscourts.gov

## **SETTLEMENT CONFERENCE POLICIES AND PROCEDURES**

### A. In-Person Settlement Conferences

(1) Parties' Attendance and Participation is Required. Judge Leeson requires that a party or party's representative with knowledge of the case and *full and binding* settlement authority attend the chambers conference *in person*. **At the settlement conference, trial counsel shall appear and bring with them all persons whose consent may be necessary to settle the case. "[A]ll persons" means insurance adjusters with full and unlimited authority to settle the case, as well as clients. Persons present must have full and unlimited settlement authority and may not confer by telephone with anyone to seek additional authority. Defendant's settlement authority must be consistent with and not less than the Plaintiff's last demand.** Only in *exceptional circumstances* will Judge Leeson permit a person to participate in the conference by telephone. This shall be the exception rather than the rule. Counsel seeking this relief must contact chambers as soon as they are aware of a problem with attendance. A copy of Judge Leeson's Settlement Conference Scheduling Order is attached for reference. Counsel and the parties are required to strictly adhere to this procedure.

(2) Settlement Conference Procedures. At the settlement conference, the Judge will expect counsel to:

- (a) Be prepared to discuss the weaknesses, as well as the strengths, of their case.
- (b) Prepare their client in advance of the settlement conference.
- (c) Be patient. Settlement is a process. It takes time.
- (d) Be flexible. Avoid bottom lines or top numbers.

- (e) Realistically evaluate the case.
- (f) Manage your client's expectations.
- (g) Manage your own expectations.

(3) Follow-Up Contact. Judge Leeson will, if appropriate, continue to work with counsel after the settlement conference if the matter is not resolved at the conference.

(4) Continuances. Settlement Conferences are scheduled by order of the Court and attendance is mandatory. Due to the large number of cases scheduled for settlement conferences, any request to reschedule a conference could cause a delay of that conference for several weeks. For this reason, any continuance requests should be made within fourteen (14) days of receipt of the notice scheduling the conference. Continuance requests will only be granted for the most compelling reasons.

B. Telephone Settlement Conferences

In certain cases, the Court may decide to hold a telephone settlement conference with counsel. At the time of the telephone settlement conference, counsel will be expected to discuss:

- (1) The status of settlement discussions (if any).
- (2) The possibility of settlement.
- (3) Whether counsel would like to have ex-parte telephone conferences with Judge Leeson concerning settlement. If *all* counsel consent, Judge Leeson will engage in ex-parte conferences with counsel as he deems necessary.
- (4) The possible scheduling of an in-person settlement conference.

Counsel shall discuss settlement with their clients before the telephone conference.

C. Confidential Settlement Conference Memorandum Required

Judge Leeson requires counsel to submit, for his confidential review, a brief written settlement conference memorandum one week before any scheduled in-person settlement conference or telephone settlement conference, which shall not exceed three (3) pages in length. Each memorandum shall include the following information:

- (1) The caption of the case.
- (2) Whether the case will be tried to a jury or through a nonjury trial.

- (3) Trial counsel's name, address, telephone number, and fax number, and client.
- (4) Identification of any pending motions.
- (5) A brief summary of the facts of the case and its current procedural status.
- (6) The history of all prior demands and offers.
- (7) The existence and policy limits of any insurance coverage.
- (8) A specific offer or demand for settlement.
- (9) A candid assessment of the strengths and weaknesses of the client's case.
- (10) Identification of any other relevant matters.

**Settlement conference memoranda are not to be filed with the Clerk of Court or filed electronically through the Court's Electronic Case Filing (ECF) System. Instead, each memorandum must be sent to chambers, via e-mail in Microsoft Word format, at:**

**Chambers\_of\_Judge\_Joseph\_F\_Leeson\_Jr@paed.uscourts.gov**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

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	:	
Plaintiff,	:	
	:	
v.	:	No. _____
	:	
Defendant.	:	

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SETTLEMENT CONFERENCE SCHEDULING ORDER

1. Scheduling of Settlement Conference: An in-person settlement conference in this case is scheduled for \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ a.m./p.m. before the Honorable Joseph F. Leeson, Jr., United States District Judge, at the Edward N. Cahn Courthouse and Federal Building, Courtroom C, Third Floor, 504 West Hamilton Street, Allentown, Pennsylvania 18101.

2. Required Attendance. Counsel are directed to report to Courtroom Deputy Justin F. Wood, Third Floor, Room 3003 (adjoins Courtroom C), on the date and time stated above. Pursuant to Federal Rule of Civil Procedure 16(c)(1), trial counsel shall appear and bring with them all persons whose consent may be necessary to settle this case. **All persons shall mean insurance adjusters with full and unlimited authority to settle the case, as well as clients. Persons present must have full and unlimited settlement authority and may not confer by telephone with anyone to seek additional authority. Defendant’s settlement authority must be consistent with and not less than the Plaintiff’s last demand.**

3. Confidential Settlement Conference Memoranda Required: Counsel are further directed to provide a settlement conference memorandum to chambers by e-mail one week before the scheduled settlement conference, not to exceed three (3) pages in length. The e-mail address is: Chambers\_of\_Judge\_Joseph\_F\_Leeson\_Jr@paed.uscourts.gov. Settlement Conference Memoranda are for Judge Leeson’s review only and will not be shared with other counsel or the parties. Each memorandum shall include the following information:

- (a) The caption of the case.
- (b) Whether the case will be tried to a jury or through a nonjury trial.
- (c) Trial counsel’s name, address, telephone number, fax number, and client.

- (d) Identification of any pending motions.
- (e) A brief summary of the facts of the case and its current procedural status.
- (f) The history of all prior demands and offers.
- (g) The existence and policy limits of any insurance coverage.
- (h) A specific offer or demand for settlement.
- (i) A candid assessment of the strengths and weaknesses of the client's case.
- (j) Identification of any other relevant matters.

BY THE COURT:

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JOSEPH F. LEESON, JR.  
United States District Judge