

Agreement Concerning Judicial Settlement Conference Process

The _____ Circuit Court has referred
v. _____ case to a Judicial Settlement Conference. This
matter is referred to The Honorable _____ in his capacity as a
Settlement Judge for the purpose of conducting a settlement conference. The Court has
designated Judge _____ to serve in the capacity of Settlement
Judge, and Judge _____ has agreed to so serve.

Nothing said during the course of the settlement conference nor any written documenta-
tion prepared for the sole purpose of use in such conference shall be subject to disclosure in
discovery or in any judicial or administrative proceeding except (1) statements, memoranda,
materials and other tangible evidence, otherwise subject to discovery, which were not prepared
specifically for use in the settlement conference and (2) where an ethics complaint is made
against the settlement judge by a party to the settlement conference. It is the intent of the parties
that free discussion be permitted to occur during the settlement process, but also that no evidence
which is otherwise admissible be excluded solely because it is mentioned in the settlement
conference, and this section shall be construed with this intent. Judge _____
shall not share information from the settlement conference with the trial Court hearing this
matter, except for limited procedural information with the unanimous consent of all the parties.

In his conduct of the settlement conference and all other matters ancillary thereto,
Judge _____ shall be exempt for the requirements of Canon 3B(7)
Canons of Judicial Conduct for the State of Virginia, related to *ex parte* proceedings, and he is
specifically authorized to engage in such oral and/or written *ex parte* communications as he, in
his sole discretion, deems advisable toward the settlement of this matter.

Agreed this _____ day of _____, 20____.

For Plaintiff:

For Defendant:

Settlement Judge: