



Magistrate Judge Lajuana M. Counts
Charles Evans Whittaker Courthouse
400 E. 9th Street
Kansas City, Missouri 64106
(816) 512-5775

STANDING ORDER FOR MAP MEDIATIONS AND SETTLEMENT CONFERENCES

1. MAP GENERAL ORDER

If the matter is before this Court as part of the Mediation and Assessment Program (MAP), the parties should familiarize themselves with the MAP General Order located on the Court's website at

http://www.mow.uscourts.gov/sites/mow/files/MAP_Gen_Ord_Eff_20150901.pdf.

2. ATTENDANCE REQUIREMENT

Unless the Court allows otherwise by separate order, parties with full and complete settlement authority are required to personally attend the mediation. This means that if a party is an individual, that individual must personally attend; if a party is a corporation or governmental entity, a representative of that corporation or government entity (other than counsel of record) with settlement authority must personally attend. If a party requires approval by an insurer to settle, a representative of the insurer with full and complete settlement authority must attend. Absent a showing of unusual and extenuating circumstances, the Court will not permit a client to merely be available by telephone as an alternative to personal presence at the conference.

3. TIME ALLOTTED FOR MEDIATION/SETTLEMENT CONFERENCES

The Court allots half-a-day for mediations. If the parties believe that more time is required, the parties are to contact chambers forthwith.

4. MEDIATION/SETTLEMENT CONFERENCE STATEMENTS

The parties are to submit a mediation statement **five business days prior** to the scheduled mediation. Mediation statements should be emailed to Erica Clinton (erica_clinton@mow.uscourts.gov) and Traci Chorny (traci_chorny@mow.uscourts.gov). Do not file copies of the statements with the Clerk's Office or on the CM/ECF system. The statement shall be no longer than five pages in length and contain the following types of information:

- a. A brief statement of the facts of the case, and of the claims and defenses, i.e., the statutory or other grounds upon which the claims are founded. This statement should identify the major factual and legal issues in dispute.
- b. An estimated statement of the damages claimed and of any other relief sought.
- c. A summary of the proceedings to date, including any pending motions.
- d. A history of past mediation discussions, offers and demands. If no discussions have taken place, the Court suggests the attorneys discuss settlement, and exchange demands and offers prior to the mediation conference.
- e. State whether there are outstanding liens and whether a representative of the lienholder should be required to be present during the mediation.
- f. State whether counsel believes joint sessions will be helpful or counterproductive.
- g. Raise any other issues the Court should be aware of in advance of the mediation.

5. **FORMAT**

The Court generally will follow a mediation format: that is, each side will have an opportunity to make a brief presentation to the other side, which will be followed by joint discussions with the Court and private meetings by the Court with each side. The Court expects both the lawyers and the party representatives to be fully prepared to participate in the discussions and meetings. In these discussions, the Court expects all parties to be willing to reassess their previous positions, and to be willing to explore creative means for resolving the dispute.

6. **CONFIDENTIALITY**

Any statements made by any party during the mediation will not be admissible at trial. The Court expects the parties to address each other with courtesy and respect, but at the same time strongly encourages the parties to speak frankly and openly about their views of the case.

7. **CANCELLATION OR RESCHEDULING OF THE CONFERENCE**

If the parties are required to reschedule the mediation or if they have concluded mediation is not necessary or would be more productive if held at a different time, they should contact chambers as soon as possible at 816-512-5775.