

Criminal Settlement Conferences

The purpose of a settlement conference is to facilitate good faith discussions to resolve a case in a manner that serves the interest of justice.

- (1) In any criminal case before the district court, either party may request a settlement conference or the court may, on its own, order counsel with settlement authority to participate in a settlement conference. In all cases, the settlement conference must not be before the trial judge. If settlement discussions do not result in an agreement, the case must be returned to the trial judge.
- (2) Beyond all else, participation in a settlement conference is voluntary by the parties and no party has any right to an offer, or may raise any claim from any fact or circumstance which occurs during the settlement conference, including but not limited to the faith of the parties in participating in the conference. Decision-making authority remains with the parties and not the settlement judge. The court, the settlement judge, or any party may unilaterally terminate the settlement conference at any time
- (3) Settlement Conferences must, in all respects, be confidential and not reported or recorded.
- (4) Communications between settlement judge and the Court. The settlement judge and the court must have no contact or communication except that the settlement judge may, without comment or observation, report to the court:
 - (a) that the parties are at an impasse;
 - (b) that the parties have reached an agreement, and the agreement reached may be reduced to writing, signed by the prosecuting attorney, the Defendant and defense counsel, and submitted to the court for approval;
 - (c) that meaningful attempt to settle is ongoing; or that the settlement judge withdraws from the further participation in potential settlements.
- (5) Should the settlement conference result in a settlement agreement, the terms of the agreement must be reduced to writing and signed by the defendant, defense counsel (if any), and the prosecutor. The parties must file the agreement with the court. Any party may withdraw from an agreement before the trial court accepts the plea.
- (6) If the parties reach a settlement agreement that involves any stipulations, the trial court agrees that such a settlement shall be conditioned on the trial court's acceptance of, and agreement to follow, the stipulations. If the trial court is unwilling to abide by the stipulations, then either side may withdraw from the settlement agreement.