

MANCHESTER DISTRICT REGISTRY AND MANCHESTER COUNTY COURT

MANCHESTER GUIDELINES AND CODE OF BEST PRACTICE FOR JOINT SETTLEMENT MEETINGS IN PERSONAL INJURY ACTIONS

GUIDELINES

1. The purpose of any order that a Joint Settlement Meeting (JSM) shall take place is to facilitate settlement of the case or the narrowing of the issues but such a result is not made compulsory by reason of the order.
2. An order for a JSM incorporating the Code of Best Practice set out below (the Code) is not appropriate in a claim for damages of less than £100,000.
3. In a case where an order for a JSM has been made, parties are encouraged to follow the Code but this is not compulsory. However, if an order that a JSM shall take place is made by the court and the matter subsequently comes before the court again in the absence of any positive result from the JSM, an explanation may be required by the court if the Code has not been followed.
4. The timing of a JSM is critical to its likely success. Parties to any case in which a JSM is likely to be made should be prepared to advise the court as to (a) their views on the optimum timing of a JSM in the case, (b) the reasons for their view and (c) the effect of a JSM on the timetable to trial.
5. The form of the Directions (Variable Paragraph Directions JSM1, JSM2 and JSM3) will usually be:
 - 1) *“There shall be a Joint Settlement Meeting by no later than (date) to be conducted in accordance with the Manchester Guidelines and Code of Best Practice”.*
 - 2) *Within 7 days of the Joint Settlement Meeting the parties shall each file the JSM Outcome Monitoring Report in duplicate to be referred to the judge (reserved to.....) on filing.*
 - 3) *Failure to comply with the direction to convene the Joint Settlement Meeting or to file the JSM Outcome Monitoring Report may result in the imposition of sanctions*
6. The JSM is a confidential process. However in cases in which the court has ordered a JSM to take place, the parties will be expected to report on the JSM in accordance with the attached JSM Outcome Monitoring Form to the extent that completion of the Report is not inconsistent with the confidentiality of the process.

THE CODE OF BEST PRACTICE

Parties should follow the Code of Best Practice set out below. Items in the column headed “Included” are steps which should be followed. Items in the column headed “Option” are steps which may be considered appropriate by the parties in particular cases.

	<u>Included</u>	<u>Option</u>
1	<p>The parties are encouraged to agree the most convenient venue for the Joint Settlement Meeting (JSM).</p> <p>In default of any agreement the venue for the JSM shall be the Claimant's Counsel's Chambers or Solicitor's office. The facilities for the JSM shall consist of a suitable room for each party and a separate suitable room for negotiation. Appropriate refreshments should be provided.</p>	
2	<p>If any expert is to attend notice should be given 14 days before the JSM. together with the reason.</p>	
3	<p>An Index of Disclosed Reports and Documents should be delivered by the Claimant’s solicitor at least 7 days before the JSM.</p>	
3A		<p>Bundles of Reports and Documents to be prepared.</p>
4	<p>Schedule (giving at least an outline of the amounts claimed) delivered at least 7 days before the JSM.</p>	
5	<p>List of persons attending on behalf of each party exchanged at least 7 days before the JSM.</p> <p>Decision makers for each party with authority to enter into a compromise shall be identified on the lists. In the case of a party under a disability attendance should include the adviser whose advice will be put before the court on approval.</p>	
6	<p>Notice must be given at least 4 days before the JSM if a party wishes a structured settlement to be discussed. The notice should state:</p> <ul style="list-style-type: none"> (a) whether the structured settlement is to be top down or bottom up (b) the period over which any annuities to be discussed are open for acceptance (c) the Life Offices offering the annuities (if Life Offices are involved) 	
7	<p>Counterschedule (giving at least an outline of the Defendant’s case) delivered at least 3 days before the JSM. The details of CRU Benefits must be sent to the Claimant by the Defendant with the</p>	

	<u>Included</u>	<u>Option</u>
	Counterschedule.	
8	In default of agreement the negotiations will be conducted Counsel to Counsel (if involved) or by Solicitors (if no Counsel is involved).	
8A		<ul style="list-style-type: none"> ▪ Agenda ▪ Prescribed Negotiating Format
9	In a multi-defendant action the defendants should be in a position prior to their meeting with the claimant to make a unified offer to the claimant (preferably by holding an earlier separate meeting between defendants).	
10	At the conclusion of the JSM the parties' representatives should sign a Heads of Agreement incorporating the terms agreed which should include dates by which any payment is to be made.	