

AGREED PROCEDURAL TEMPLATE
FOR JOINT SETTLEMENT MEETINGS
HELD REMOTELY

The parties to a remote JSM agree to comply with the following Protocol. In the event that the parties wish to vary the Protocol for the JSM they intend to hold, agreement should be reached (and recorded in writing) in advance of the JSM. It is not intended that the Protocol should be a source of conflict or disagreement between the parties; the intention is simply to facilitate the holding and smooth-running of a JSM held remotely. The parties are therefore encouraged not only to hold a remote JSM in compliance with the Protocol but also, if they wish to vary the Protocol, to co-operate and agree (in writing) on any variations they consider necessary or appropriate.

Fixing a date and pre-meeting exchange of documents

1. Save in exceptional circumstances, the meeting shall be scheduled for a date no less than 14 days in the future.
2. Not less than 7 clear working days before the meeting, the claimant shall serve a document setting out his/her claim. If practicable the Claimant shall also serve a Summary of the claim in an XL Spreadsheet with columns for: the Claimant's figures, the Defendant's figures and a blank column for Notes/Observations.
3. Not less than 3 clear working days before the meeting, the defendant shall serve a document in response and shall, if an XL spreadsheet has been served by the claimant, complete the "defendant's figures" column. If the claimant has not served an XL spreadsheet it is open to the defendant to serve one with its written response to the claim.
4. The documents referred to in '2.' and '3.' need not be in the form of schedule and counter schedule unless the parties agree otherwise. All documents to be served in electronic form (either as Word documents or PDF documents)
5. The service and use of XL spreadsheets is encouraged in order that the parties can readily identify the issues between them.

Communications

6. It shall be the responsibility of counsel to ensure that they arrange between them (i) a reliable, secure, constant means of audio communication (+ visual communication if desired and possible) and (ii) email communication, for the duration of the meeting¹.
7. Counsel shall be the primary point of communication for all discussions and negotiations between the parties and there is no obligation on either side to make arrangements for other persons present at the meeting to be able to listen in on these communications.

¹ If practicable counsel should also arrange a WhatsApp group for the JSM (the participants of which will be Counsel and will require the exchange of mobile telephone numbers). Individual parties are also encouraged to create a WhatsApp group for the participants from each party.

8. Any facilities for listening in to communications between counsel must be agreed between the parties and each side must be prepared to make clear to the other who is able to hear what is being said on the line at any time during the meeting.
9. It shall be the responsibility of each party to ensure that all persons on their own side (clients, solicitors, counsel etc) have a reliable, secure, constant means of communication.

The meeting

10. Unless otherwise agreed, start time shall be 10am and finish time 5pm.
11. Any system of breaks, or times for breaks, must be agreed in advance.
12. All persons who are necessary for the conduct of the meeting shall ensure, so far as is reasonable and possible, that they are present without interruption between these hours.
13. It shall be the obligation of counsel to maintain at least half hourly contact with each other during the negotiations.
14. Should one side cease all communications for 60 minutes, the other side shall be entitled to treat the meeting as ended.
15. If one party decides to terminate the meeting, that must be communicated to the other party immediately and if possible an explanation for the termination should be given.
16. Solicitors shall maintain a note of what takes place at the meeting.

Settlement

17. If the case should settle at the meeting, the parties should produce a signed memorandum of agreement or a draft court order on the same day.