

X. SETTLLING YOUR CASE

A. Do some cases settle without going to trial?

Yes. Most cases settle without going to trial. You and the other side may agree to settle your case at any point. Settling the case allows the *parties*, not a judge, or a jury, to determine the outcome of the case.

You may be able to resolve your dispute without the need for a trial by using a form of “alternative dispute resolution” (ADR). ADR gives the parties a chance to meet with a neutral person in a less formal setting to discuss your case and try to work out a solution. The neutral person is a trained problem-solver who tries to help the parties come to a resolution. The neutral person may or may not be on the staff of the court. In some cases a fee will be charged. Information on “court-connected ADR” is available at the clerk’s, register’s or recorder’s office.

Things to consider when settling your case:

- Do you have your facts and supporting evidence collected and well-organized so that you can argue your best case?
- Are you making promises you can keep? You could be found in contempt of court if you don’t live up to your agreement.
- Does the agreement contain the complete understanding between you and the other party? You may not be able to come back to the court later and say that there were things that were left out that should have been in the agreement.
- Do you understand the terms of the settlement agreement?
- Are you feeling pressured to settle?
- Is the agreement fair?

ALERT!

If you and the other side reach an agreement, make sure you write down all of the details of the agreement before filing it with the clerk or register. Ask the clerk or register if anything else needs to be done.