



## **Joint Settlement Meeting Protocol**

*The parties to a remote JSM agree to comply with the following Protocol. In the event that they wish to vary it then agreement should be reached in advance and recorded in writing. The Protocol itself should not be a source of disagreement between the parties; it is intended merely to facilitate a cooperative approach to dispute resolution during the Covid-19 public health crisis.*

1. The meeting shall be arranged by the parties' solicitors at a mutually agreed time ensuring the availability of all necessary participants.
2. All documents shall be exchanged in electronic format.
3. Not less than 10 clear working days before the meeting the claimant shall serve a position statement setting out the merits of his or her claim together with a schedule of loss.
4. Not less than 5 clear working days before the meeting the defendant shall serve a position statement in response together with a counter schedule of loss.
5. It shall be the responsibility of counsel to ensure that a least one clear day before the JSM they arrange between themselves a reliable, secure and constant means of audio, visual, SMS and email communication.
6. It shall be the responsibility of each party to ensure that all participants on their respective sides have a reliable, secure, constant means of communication. The parties are each encouraged to create a Zoom or Skype group between themselves to provide/obtain instructions and updates.
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 involved in the JSM to be able to participate in these communications.

8. Unless otherwise agreed, the start time shall be 10.30am and finish time 4.30pm. Each party shall inform the other if and when a break is required.
9. All participants who are necessary for the conduct of the meeting shall ensure, so far as is reasonable and possible, that they are available without interruption between these hours.
10. It shall be the obligation of counsel to schedule discussion time with each other during the course of negotiations. It is advised that any proposals made between counsel are also confirmed by email to avoid ambiguity.
11. If one party decides to terminate the meeting this must be communicated to the other party immediately and, if possible, a written explanation for the termination should be given.
12. Solicitors shall maintain a note of what takes place during the meeting.
13. If the parties achieve an agreement they must produce a memorandum and/or a draft court order on the same day. Each party's representatives shall by email confirm that the agreement has been read to or by their respective clients who have confirmed that they understand and accept the terms of agreement. Where possible a digital signature shall be provided.
14. The Claimant's solicitors shall have carriage of the order, which shall be electronically filed with the court within 24 hours.