

CrR 17.2 SETTLEMENT CONFERENCES

(a) Policy. It is the policy of the court to facilitate efforts to settle criminal cases, when requested to do so by the parties. Participation in a settlement conference is entirely voluntary, however. A party's declination to participate in the settlement conference process shall in no way be used against that party at any stage of the proceeding.

(b) Role of Settlement Judge. The role of the settlement judge shall be limited to facilitating a voluntary settlement between parties in criminal cases. The settlement judge shall not preside over any aspect of the case, other than facilitation of a voluntary settlement according to this Rule. The settlement judge shall not take a guilty plea from nor sentence any defendant in the case. He or she shall not communicate anything regarding the status or substance of the settlement discussions to the trial judge, except to notify the judge of a settlement.

(c) Request for Settlement Conference. A request for a settlement conference may be initiated by the parties. The trial judge shall determine whether such conference shall be held. Not all defendants in a multi-defendant case need join in the request or in the conference.

(d) Assignment of Settlement Judge. The trial judge shall select a district or magistrate judge to act as settlement judge after considering recommendations of the parties. Any party may withdraw from a settlement conference unilaterally at any time.

(e) Conduct of the Conference.

(1) *Availability of Defendant.* The settlement judge shall determine a course of procedure for settlement discussions as he or she may determine to be best. The participation by the defendant shall be determined by the settlement judge.

(2) *Authority of Government Attorney to Reach Disposition.* The government attorney participating in settlement discussions shall either have authority to agree to a disposition of the case or shall have the ability to obtain such authority from a supervisory or other government attorney upon telephone notice.

(f) Proceedings Privileged. Proceedings of settlement conferences shall in all respects be privileged and not reported or recorded. No statement made by any participant at the settlement conference shall be admissible at the trial of any defendant in the case or be considered for any purpose in the sentencing of any defendant in a case. No statement made by a defendant in the course of a settlement conference shall be reported to the counsel for the government.

[Effective July 1, 1997.]