

## “Friendly Suit” Instructions 415<sup>th</sup> District Court

This is a basic outline of the requirements in this court for the management and disposition of the so-called friendly suit or technically, a suit filed or disposed as the result of a negotiated settlement. These settlements are usually based on personal injury claims. Most of these requirements are mandatory simply based upon the practicalities and the law, but there can be occasions where some flexibility is needed and these requirements are not necessarily comprehensive.

### Requirements:

- 1) Comply with Rule 173, Texas Rules of Civil Procedure;
- 2) Submit order appointing *ad litem* to the court;
- 3) Provide contact information to *ad litem* to facilitate interview process with the minor, parents, and other witnesses (if requested by *ad litem*);
- 4) Upon request, supply medical records and medical charges to *ad litem*;
- 5) Upon request, supply to *ad litem* any other relevant information about the case;
- 6) Assure all medical charges and liens are resolved prior to hearing in court;
- 7) Have complete computation for the distribution of total settlement proceeds which includes the plaintiff(s), counsel, creditors, and court clerk or annuity company (if applicable);
- 8) Prior to hearing, have fully executed Compromise Settlement Agreement;
- 9) Have a draft of the proposed final judgment circulated to the appropriate parties;
- 10) Secure for ultimate signature all documents necessary for a qualified assignment (if applicable);
- 11) If possible, stipulate to the reasonableness of the *ad litem* fee and confirm the payment thereof;
- 12) At the hearing, inform the court of the distribution of all settlement proceeds including the target dates for any yet undistributed amounts;
- 13) Have *ad litem* report (oral or written) include information regarding investigation of accident facts, injuries, diagnosis, prognosis, insurance coverage, and other sources of potential recovery;
- 14) Have available a witness from annuity company (if proceeds annuitized) in person or by affidavit (if agreed by the parties);
- 15) Put forth evidence at hearing that covers the above subject areas; and,
- 16) **Assure client(s) dressed appropriately for court.**