



The Settlement Negotiation Process: The Pros and Cons of Settlement¹

What does it mean to settle or conciliate a case at the Illinois Department of Human Rights²?

- In a settlement, you and the other side come to an agreement about the case. The goal of settlement is to reach an agreement that both sides can accept.
- Settlement or conciliation can occur at any time during the case, from the beginning to the end. The investigator for your case can assist you in reaching a settlement.
- SETTLEMENT at this stage of the proceedings is VOLUNTARY.

What are some reasons to settle? What are some reasons not to settle?

Reasons Not to Settle – the Cons

Settlement may seem unfair to you because -

- you feel the settlement is unfair or biased towards the other side, and/or
- you do not think you did anything wrong.

Settlement does not allow an administrative agency or judge to decide the case -

- and you think you can get a better outcome with a decision on the merits of the case, and
- you do not mind the extra costs, time, and stress this might take.

Settlement may not satisfy you because of the amount of hurt you feel over the situation -

- and you want a third party to tell you that you are right.

Reasons To Settle – the Pros

Settlement cuts down on costs -

- Legal disputes can be costly. There are several costs, such as attorneys' fees, that increase the longer an administrative case or lawsuit continues. The sooner a case settles, the lower the costs.

Settlement cuts down on stress -

- You may experience emotional costs, such as stress, as the dispute drags on. Settlement can reduce this stress.

Settlement ends the case -

- The case ends once the parties reach a settlement, and the terms are approved and complied with.

Settlement saves you time -

- Legal disputes can take several months or even years. Settlement avoids this.

Settlement gives you control over the outcome –

- If there is a settlement, you have more control of the outcome, rather than having an administrative agency or judge deciding the outcome for you.

Settlement can help “keep the peace” between you and other side -

- It increases the likelihood that you and the other side can have a friendly relationship going forward.

Settlement is a “no-fault” process –

- Neither party admits any fault in the dispute. Instead, they enter into a settlement agreement in order to reaffirm the Respondent’s compliance with the policies of the Human Rights Act.

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¹ Thanks to Access Living for their help with this handout.

² Also see “Procedures for Housing Cases” flyer for more information about IDHR Settlements.