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Dear Colleagues,

Thank you for engaging me as the mediator for the above-referenced case.  So that all expectations are met, I prefer to reduce to writing the manner in which we will proceed.

First, I will bill my time at the rate of $400.00 per hour. This will include all time spent engaging in pre-mediation communication with the parties’ counsel, reviewing the parties’ submitted materials in advance of the mediation, and my time during the mediation conference.  Unless I am told otherwise, I will divide my statement for services equally among the parties participating in the mediation.

The mediation will be held at the offices of \_\_\_\_\_\_\_ located at \_\_\_\_\_\_. We will begin the mediation at         a.m. on                            , 2021.

On or before 5:00 p.m. on \_\_\_\_\_\_\_\_\_\_\_\_\_, 2021, please provide me with a written “position statement” on behalf of your client.  Please send it to me via email at eric@ironcladadr.com. In order to promote total candor and put ourselves in the best position to achieve settlement, I do not want you to exchange them among yourselves -- please send them only to me. In your position statement, please provide me with a concise description of the procedural status of the case, relevant facts, applicable law to disputed issues in the litigation, and the status of settlement negotiations to date. Please point out any factual or legal disputes with specificity so that we can work on those early in the mediation. I would also welcome any pending or already ruled upon dispositive motions. If there are any expert reports or depositions and it would expedite things for me to review them in advance, please send them to me as well.

At mediation, I do not ask for all of the parties to initially gather together and provide opening statements in the presence of other parties. I find that has a polarizing effect and is not conducive to settlement. From the start through conclusion of the mediation, all parties will have their own conference room and I will shuttle back and forth between rooms to convey information demands, offers, and associated terms for settlement.

Finally, please provide me with the names of all counsel and party representatives (and their titles) who will attend the mediation. It is imperative that all parties have a representative with authority to actually settle the case. If that is not possible and one or more of the parties may have to access someone with greater authority, please be certain that they will be available every minute the day of arbitration.

Thank you, again, for selecting me as mediator for this matter. I look forward to working with you to bring this case to conclusion.