

Feel free to prepare a Mediation Statement in whatever form you are comfortable. If you find it convenient, we have prepared this form with the hope of making your life easier and the goal of getting key information for mediation.

Don't worry. If any box is too small, there is additional space is available at the end of the form.

**GENERAL INFORMATION**

Case Style:

Court:

Judge:

Any connected or related litigation:

If yes, please describe:

Mediation court ordered?

Prior mediations?

If yes, who was the mediator:

Result / issues preventing success:

Current trial / hearing date:

Prior continuances:

Estimated trial / hearing length (in days):

Fact finder:

Discovery:

If incomplete, what are the major discovery items outstanding:

Dispositive motions status:

## LIABILITY

◀ ADDITIONAL SPACE AVAILABLE AT END IF NEEDED ▶

What are the claims and defenses in the case?

What are the issues related to the claims and defenses in the case?

What are the top three liability documents in the case?

If not noted above, what are the key disputed issues of law related to liability (if any)?

If not noted above, what are the key disputed issues of fact related to liability (if any)?

## DAMAGES

◀ ADDITIONAL SPACE AVAILABLE AT END IF NEEDED ▶

What are the primary damages claimed and issues related to damages?

Will there be collection issues if damages are awarded?

Will collection issues be claimed or threatened at mediation?

What are the top three damages documents in the case?

If not noted above, what are the key disputed issues of law related to damages (if any)?

If not noted above, what are the key disputed issues of fact related to damages (if any)?

### FEES AND EXPENSES

#### ◀ ADDITIONAL SPACE AVAILABLE AT END IF NEEDED ►

What are your fees to date?

What are your expenses to date?

What are your estimated fees from here through trial / hearing?

What are your estimated expenses from here through trial / hearing?

Are there any unique issues related to fees?

Is there a contingency involved in the case?

If yes, what are the terms, if you know?

## PRIOR NEGOTIATIONS

### ◀ ADDITIONAL SPACE AVAILABLE AT END IF NEEDED ▶

Initial demands / offers?

Discussions since?

What is the present demand or offer outstanding?

Who should make the first offer in mediation and why?

## READINESS FOR MEDIATION

### ◀ ADDITIONAL SPACE AVAILABLE AT END IF NEEDED ▶

Do you have sufficient information to evaluate all the claims for the purposes of mediating?

If no, please elaborate:

To your knowledge, do the other parties?

If no, please elaborate:

## MEDIATION SPECIFICS

### ◀ ADDITIONAL SPACE AVAILABLE AT END IF NEEDED ▶

Is a joint session needed or a particularly bad idea?

Who will attend for your client (name and title, if any)?

Will there be any time constraints for your client's attendance?

Will there be any limitations on your client's negotiating authority?

Is there anyone who needs to be involved from the other side you don't anticipate attending?

Are there any special impediments to settlement?

Are there any other considerations for resolution – possibly emotional or non-monetary issues?

What is your client's experience with litigation and mediation in the past (how savvy are they about the process)?

## MEDIATION DOCUMENTS

Click [here](#) to upload key documents that will materially affect damages or liability. Note, I may not have time to review documents submitted within 24 hours of mediation. Please consider limiting your submission to the most important documents supporting your position.

## ADDITIONAL SPACE IF NEEDED

