

CONFIDENTIAL MEDIATION SUBMISSIONS

Each side's confidential mediation submission should address, at a minimum, the following topics. **THESE PAPERS WILL NOT BE SHARED WITH ANY PARTY.**

1. a summary of the facts of the case, including a chronology of critical dates. Please also attach the important documents in the case;
2. the present posture of the case, including any pending motions;
3. a discussion of the governing law as you see it, with citations to important cases upon which either side may rely;
4. a candid analysis of the strengths and weaknesses of your case;
5. your equally candid view of the strengths and weaknesses of the other party's case;
6. evaluation of the range of potential recoverable damages;
7. the history of any prior settlement efforts. Please attach any substantive correspondence regarding settlement or the case between the parties or counsel;
8. whether there is a carrier involved or potentially involved in the case and any issues surrounding coverage and/or their participation in the mediation;
9. any particularly sensitive issues on either side that may impact the mediation;
10. suggested approaches to resolution you believe I, as the mediator, should pursue;
11. identity and title of all participants attending the mediation.

Please use as a goal a page limitation of no more than 20 pages, plus any attachments you believe would be important for me to see prior to the mediation. It would be helpful to have copies of key rulings in the case, important pending motions, excerpts of key deposition testimony, and other important documents.