
Glenn M. Gottlieb

Mediator / Attorney

MEDIATION GUIDELINES

Preparation for the Mediation

I commit to thoroughly review all materials provided to me in advance of the mediation. To that end, I ask that each party provide me with a Mediation Brief and any related, relevant documents at least **one full week prior** to the mediation. The more information I have, the greater chance I have of understanding all of the issues and of assisting you in resolving your case. ***In the interests of facilitating the process (particularly since parties tend to express a preference against having an opening "joint session"), I encourage the parties to share non-sensitive portions of their mediation briefs.***

Briefs

While there are certain topics which I generally find helpful in a Mediation Brief (e.g., the factual and procedural history of the case; key factual/legal issues in dispute; summary of any settlement negotiations; insurance coverage and/or coverage disputes, as applicable), the overall goal of the brief should be to provide me with any information you believe would be helpful in resolving the dispute. Please try to limit the brief to 10 pages, exclusive of exhibits. If you will be preparing a **confidential** brief [either alone or as a supplement to a brief you share with the other party(ies)], it might be useful if you addressed the following additional points:

- Major Factual and Legal Strengths/Weaknesses of your case
- Major Factual and Legal Strengths/Weaknesses of the other party's case
- Summary of Any Settlement Negotiations
- What do you think the other party views as a fair outcome in this case for both sides?
- Barriers to Settlement
- What other information do you want the Mediator to know to fully understand the situation?
[This is almost certainly information you currently may not want to reveal to the other side.]

Mediation Documents

If there are any documents which you think would be helpful to my understanding of the dispute, please provide them to me. If possible, please highlight and focus my attention on the most critical parts of each document. Please try to limit your attachments to only the most critical documents that you believe will enhance my ability to facilitate a settlement between the parties.

Any portion of the Mediation Brief or any of the other documents which you do not wish to disclose to the other party at this time should be clearly labeled as "Confidential." All non-confidential portions of the Mediation Briefs, as well as non-confidential documents, should be exchanged with the other party at the same time they are provided to me, at least one full week prior to the mediation.

Pre-Mediation Conference Call

After receiving the Mediation Briefs and related documents, I may conduct separate calls with counsel to see if there is anything else (confidential or not) I should know prior to the mediation. This is an opportunity for counsel to share with me things which you may not want to commit to paper, to suggest methods of conducting the mediation which you believe would be most helpful and to ask any questions you may have. At this time, I also will ask you to confirm who will be attending the mediation from your side. If the person with ultimate settlement authority will not be personally present at the mediation (see below), I ask that you advise me and all the other parties prior to the mediation.

Who Should Attend the Mediation

In order to reach final agreement, all parties, counsel, insurance carriers and any other decision-makers should be present in person with authority to settle the case. All participants in the mediation are requested to clear their calendars for the entire day in order to eliminate interruptions.

What Happens at the Mediation

I conduct the mediation in an informal manner. My focus is "getting the deal done" by fostering a positive, flexible, collaborative environment.

At the outset, I generally meet separately with counsel for each party, and then with each counsel and client, to discuss certain aspects of the mediation process. Depending upon the circumstances of the case, we may then all meet in an initial joint session or we may break immediately into private "caucus" sessions. I will discuss the best approach separately with each counsel when we meet, prior to the initial joint session. Generally, most of the work is done in caucus sessions, but joint sessions may be used strategically throughout the mediation as long as they are helpful and constructive.

The rules of evidence do not apply in mediation. Any statement, document or other record offered by the parties will be considered, unless I, in my sole discretion, find it irrelevant or otherwise inappropriate in the session.

Once negotiations generate a settlement, I will work with counsel to draft an enforceable agreement.

If a resolution is not reached in the initial mediation session, the parties may elect to authorize follow-up. This can consist of telephone caucusing, e-mail, further investigation or information exchange among the parties and/or an additional mediation session.

Location

Mediation sessions are generally conducted at the conference offices located at Norman Schall Court Reporters, 1055 Wilshire Blvd., Ste. 1503, Los Angeles CA 90017; tel: 213-481-3600 or 800-734-8838; fax: 213-481-3636. In appropriate cases, arrangements can be made to meet at counsel's offices or another, neutral location, upon mutual agreement of the parties. Travel time to alternate locations is generally chargeable, unless half- or full-day rates are selected.