

MEDIATION NOTICE AND ADVISORY

Buyer/Tenant/Other: _____

Seller/Landlord/Other: _____

Property Address: _____

Mediator: _____

I. By this notice, a mediation has been scheduled for the following date, time and location:

DATE: _____

TIME: _____ A.M. / P.M.

LOCATION: _____

If you are unable to attend the above mediation at the date, time and location above, please notify the above mediator immediately. IMPORTANT NOTICE: *Once the mediation has been scheduled the following cancellation/continuance fee policy will apply: \$200 fee to the requesting party if notice is received 4 calendar days or more prior to the scheduled mediation and \$500 fee to the requesting party if notice is received 3 calendar days or less prior to the scheduled mediation.*

Mediator Phone: _____ **Mediator E-Mail:** _____

II. All participants will be required to sign a confidentiality agreement specifically agreeing to hold confidential all discussions in mediation. The mediator's opening statement will typically discuss the mediation process and the mediator's role in the process. Each party will be allowed to present its position about the disputed matter and the mediator will further discuss the matter with the parties either in a joint session or independently in private.

The mediator will help the parties assess the strengths, weaknesses, positions, arguments, risks and outcome possibilities of the disputed matter. The mediator will assist the parties in generating and exchanging proposals for settling the disputed matter. If a settlement agreement is reached, all essential terms will be reduced to writing, which will be enforceable in a court of law.

The parties should prepare for the mediation as follows:

1. All parties and decision makers should be present at the mediation session and commit to a good faith participation in the mediation until an agreement is reached or the mediation is terminated. If an insurance carrier is involved, a claims representative with appropriate authority should also be present.
2. A concise brief is highly recommended in order to familiarize the mediator with the facts and details of the disputed matter (and a discussion of relevant law, if prepared by counsel). The brief should include a summary of the facts, description of the parties and relevant documents, any unusual rules of law and a summary of any attempts the parties have undertaken to settle the matter. The parties should be prepared to discuss all relevant issues, contracts, documents and supporting materials with the mediator and the opposing party.
3. The mediation brief may or may not be exchanged with the other party. Although an exchange of briefs may be helpful to make an initial presentation to the other party, no exchange may be preferred where the parties wish to disclose confidential information to the mediator to assist in the process (*such as an acceptable range of settlement terms*).
4. Legal counsel, if any, are encouraged to discuss with their clients a complete and reasonable litigation budget, including a realistic assessment of the costs of proceeding to trial.
5. While persuasive and forceful communication is not prohibited, civility and mutual respect is vital and will increase the likelihood of the parties reaching a mutually agreeable settlement. The conduct of all participants to the mediation ideally will reflect the goal of mediation to efficiently, swiftly and affordably resolve the parties' dispute.