

## MEDIATION POLICIES AND PROCEDURES

### *Before the Mediation*

**Who must attend.** Pursuant to California Rules of Court, Rule 1634, all parties with decision-making authority must be present in person to settle a case. Solvere Group believes this will significantly improve chances of reaching a mutually beneficial resolution through mediation. Therefore, we encourage participation by all the parties and their advisors. Advisors may include attorneys, witnesses, and adjusters. All attendees must clear their calendar for as long as necessary in order to avoid interruptions. The mediator will be at your disposal for this entire period, but only the first three (3) hours will be on a pro bono basis when you use the Superior Court of California to arrange this process. Additional information about this special program is available at [www.lasuperiorcourt.org/adr](http://www.lasuperiorcourt.org/adr).

**Discovery/Experts/Briefs.** All relevant information should be exchanged by the parties in advance of the mediation session to assist everyone in making realistic, informed settlement decisions during the mediation. Although witnesses are not typically a part of the mediation process, if expert opinion is deemed necessary then arrangements should be made in advance. Preparation of all participants is an integral part to reaching a mutually satisfactory agreement. Participants, therefore, should be prepared to come with an open mind, ready to analyze new information; not simply to argue their positions. For this reason, participants are not required to submit a mediation brief in advance of the session. However, a mediation brief or no more than two (2) page summary may be submitted. This brief or summary must be received by the Mediator no less than five days prior to the scheduled mediation session. Briefs/summaries may be sent as an email attachment, using the .PDF format only. Alternatively, you can mail the document to: P.O. Box 5743, Santa Monica, CA 90409.

### *During the Mediation*

**Confidentiality.** Pursuant to Evidence Code 1115 through 1128, all statements made during the mediation process is confidential. All parties will be asked to sign a confidentiality agreement prior to beginning the mediation, which simply states that any statements made or information disclosed to the Mediator is confidential and that disclosure cannot be compelled (Evidence Code 703.5).

**Joint Session.** Generally, the Mediator will start with a joint session attended by all parties and counsel. Please be prepared to summarize your position using whatever means are most effective including, but not limited to, oral explanation, documentation and visual aids. Clarify your client's position for the benefit of the decision-makers in attendance, rather than "prove your case." Normally, initial presentations will last between ten to thirty minutes per counsel and may include participation by the parties.

**Private caucuses.** Following the joint session, the Mediator may use private caucuses with each party and their advisor to assist them in the process of exploring creative solutions and working toward a resolution. During the private caucus, each party is free to discuss information which may help get the case settled, but which has not been disclosed in direct negotiations. They may also discuss with impunity information which should not be revealed to other participants. If necessary, the Mediator can help each party and counsel explore the full range of potential outcomes, the costs of trial and any non-economic interests. Caucuses provide an excellent opportunity for realistic evaluation of settlement options without compromising either party's interest.

### *After the Mediation*

In the event of an agreement, the Mediator will assist the participants in drafting a statement of agreement which functions in very much the same way as a traditional civil contract. But if no agreement is reached, then the Mediator may conduct follow-up activities as so stipulated by the parties or terminate the session. Neither the Mediator nor Solvere Group LLC is liable to the parties for any act/omission in connection with the services provided by them in or in relation to the Mediation.

Thank You,

Delton Henderson, Mediator