

VENNER  ADR
MEDIATION SERVICES
CHARLOTTE M. VENNER, ESQ

BRIEFING YOUR CASE FOR MEDIATION

I prefer to get briefs (position statements) from the parties five days before the day of the mediation so I can have time to read all of the materials in detail and reflect on them before we convene. However, I am aware of the time constraints your busy practices place on you and will make every effort to read anything sent to me up to and including the night before our session. If you are sending a late brief, please call me at (415) 388-0905 and let me know when I can expect it.

To prepare for a mediation, I have found it to be very helpful in my understanding of the issues if your brief includes the following:

1. The facts and pertinent legal and evidentiary issues in the case.
2. Your position on each element of claimed damages, setting forth computations, if appropriate.
3. Your position on pertinent insurance coverage or indemnification issues, if any.
4. The last communicated demand and offer.
5. Any other matter that you believe may have a bearing on settlement negotiations.

Inclusion of any significant investigative materials, pertinent contracts or writings, expert's reports, medical records or other such documents that you will be relying on in evaluating the case, may also be helpful. I have extensive experience in medical damage and causation issues and am frequently provided such records, which I thoroughly review. Compelling or exemplary exhibits, including photographs, videos and any accident reconstruction analysis can also be very helpful. If your evaluation turns on pending motions or matters on appeal, the legal briefs in support of these motions may also be provided. If there is a particular opinion or jury verdict that supports a position that is central to your case, feel free to also provide me a copy. Please clearly specify any materials that are to be kept confidential pursuant to the terms and law cited in the Mediation and Confidentiality Agreement, or that you are not providing to the other side(s).

NOTE: Please send briefs to the address provided in the confirming letter, not to my PMB mail box noted on the bottom of my web page. Many counsel submit briefs and supporting exhibits to me via fax at (415) 388-1036. You can also attach your briefs and any supporting documents to an e-mail to me at venneradr@msn.com. If you need to arrange for a hand-delivery location of any briefs or for volumes of records, please use the address provided in the confirming letter or call me, and I will provide my office address to you.