



Schmucker & Lavy Legal, PLLC

3440 Marinatown Lane, Suite 201
North Fort Myers, FL 33903
Main: (239) 790-SNLL (7655)
Info@SnLLegal.com
www.SnLLegal.com

Mediation Process

We conduct mediations through private retention and pursuant to Court Order mandating it.

- Most mediations are conducted via zoom (we will provide the link). Please advise if the parties agree to live mediation at the time of scheduling.
- Mediation is a confidential process. Communications during mediation are confidential, unless disclosure is required or permitted by law, and cannot be used in later proceedings if the matter does not settle.
- Parties, their attorneys and insurers (as applicable) are expected to attend with full authority to resolve the matter pursuant to the Rules of Civil Procedure 1.720.
- Non-parties are not permitted to attend without the consent of all other parties to the mediation.
- Failure to attend court-ordered mediation is reflected in mediator's report to the court.

Before the Mediation

- Parties are encouraged to submit a summary of the case *before* the mediation. This may include a proffer of facts as well as legal argument.
- No specific format is required.
- No evidence is required, though parties are encouraged to submit limited evidence such as they deem appropriate. Please be efficient in submission of evidence as submissions will be reviewed in their entirety.

At the Mediation – Typical Process

- The mediator's role is to help facilitate communications between the parties to help them reach a resolution. The mediator is neutral and impartial as to the parties and the outcome of the case. The mediator will not impose a resolution or make any sort of determination as to who is right or wrong in the case.
- Typically, mediation begins in open caucus with all parties present – each party will be provided the opportunity to fully state their respective positions. After openings, the parties will separate into private rooms (set up by mediator if zoom proceeding).
- Information provided to mediator in private rooms will be used to achieve resolution if possible. Please inform the mediator of any confidential information not to be expressed to any other parties. All such instructions will be honored.
- Your mediator may be a lawyer; but during the mediation, he or she is working in the capacity as a mediator and cannot provide any legal advice. Unrepresented parties have a right to consult with a lawyer on any legal issues or questions and before signing any mediation agreement.

After the Mediation

- The mediator will provide a short-form mediated settlement agreement at the request of the parties with all parties remaining present until completed.
- The mediator will file a report with the court affirming the mediation occurred and the attendance of the parties.