



STERNLAW

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MEDIATOR

ARBITRATOR

Advocate

Counselor

Advisor

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WELCOME TO STERNLAW MEDIATION

Thank you for your interest in retaining me as your mediator. This letter is designed to provide you with some basics as to how I approach mediation both substantively and in terms of administration issues.

As you can see, I handle my own arrangements and scheduling. I offer flexibility when it comes to the date, time and location of a mediation session. I will arrange your mediation session to take place at my Woodland Hills office, but I am open to traveling to the office of counsel for any of the parties. In addition, I am fortunate to have working relationships with office suite managers throughout Southern California. Each offers comfortable and convenient offices and conference rooms.

I charge \$2,500.00 for a one-half day mediation session (generally 4 hours) and \$5,000.00 for a full day session. Of course, my fees are split equally among the participating parties, unless other arrangements are requested. But if you want to discuss my fees based upon the needs of your case, I am open to that discussion. PLEASE NOTE: I do not charge for travel time, except in extraordinary cases of unusual or extensive travel (such as out of state or to remote locations).

I am not overly formal. You will work directly with me. I urge you to get together with all other counsel in the case and when it comes to administration, scheduling, fees, please engage with me via e-mail: gstern@sternlaw.org. If you need to reach me quickly, feel free to call me on my cell phone: 213-399-0283.

For future reference, this letter and my formal retention and confidentiality agreement are found at my web site: www.sternlaw.org.

I am a big believer in well prepared mediation briefs, provided to me at least 5 business days before the mediation session. I don't believe in artificial page limits, but...well you know the joke about lawyers and briefs! I always appreciate attachments such as photographs, life care plan summaries, Howell analysis, etc.

I like to have a pre-mediation discussion with counsel. I ask that each appearing attorney contact me no later than 2 business days before the mediation session. Here are the subjects and issues I hope to discuss with you:

1. Are all decision-making parties, including litigants, advisors and attorneys planning to attend the mediation? If not, please let me know of any impediments to resolution.
2. What factual matters remain undetermined, unresolved or in dispute that you believe are necessary for a meaningful and productive mediation? In that regard, what efforts have been made to obtain the information necessary to resolve the factual dispute.
3. Are there legal issues that you believe may be dispositive of the outcome of the case if the case goes to trial? In that same vein, is there a pending MSJ?
4. Have all the relevant documents, including pleadings, financial declarations, disclosure statements, and tax returns, been provided to me or will they be available at the mediation?
5. Are there any cultural or interpersonal conflicts which might affect the outcome of the negotiations during mediation?
6. Have we realistically set aside enough time so that all can say it was a productive mediation session?
7. Are you prepared to draft a proposed settlement agreement or do you have a template so that once we have a resolution, the agreement will be enforceable under CCP section 664.6? I will have a template available for your use, but feel free to provide your own.

Finally, here is my “head’s up” on the types of questions and issues I like to discuss with counsel in private caucus during the mediation session:

- ** What are the strengths and weaknesses of your case?
- ** What are the strengths and weaknesses on the other side (or sides)?
- ** What do you know that you believe the other side does not know?
- ** Do you have “jury sheet” information about your type of case for the past 5-10 years?
- ** Have you discussed with your client/principal the “economics” of settlement versus trial? What are they?

** What will be your best day in front of a jury? Your worst?

I generally like to meet with all parties in one room to discuss process, but if you prefer to start out in separate rooms, that is fine with me; just let me know. Also, I will assume the following as to the application of confidentiality during the session: I will assume that everything discussed in our private caucuses can be disclosed to the other side UNLESS you identify topics, facts and/or contentions you wish me to keep confidential.

I look forward to working with you. I believe deeply in the power of dispute resolution through mediation. You have my word that I will give you my best efforts and undivided attention.

STERNLAW: Law Office of Gary N. Stern

By: 

Gary N. Stern

GNS/ss