



Upchurch Watson White & Max

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PRE-MEDIATION CASE SUMMARY

Please submit your Case Summary no later than five (5) business days before the mediation.

**This confidential mediation communication
is governed by Section 44.405, *Florida Statutes*.**

1. Name of attorney submitting this summary:

2. Case Style:

3. Case Number:

4. Tribunal where case is pending:

5. Name of party you represent:

6. Name and title of the client or representative with final settlement authority who will attend the conference:

7. Additional stakeholders in your case:

8. Factual disputes will be resolved by:

Judge(s) Jury Arbitrator(s)

9. Presiding Judge(s)/Arbitrator(s):

10. Trial/Final Hearing date:

11. What is the status of discovery?

12. Pending dispositive motions or other motions which may impact settlement discussions:

13. Describe any past rulings in the case which may impact settlement discussions:

14. Type of dispute:

15. Brief description of dispute:

16. Why have settlement discussions been unsuccessful to date?

17. Check the correct response:

- Has the case been tried already? Yes No
- Is there a pending appeal? Yes No
- Has the dispute been mediated before? Yes No
- Has your client participated in a mediation conference before? Yes No
- Is a structured settlement a possible component of a settlement? Yes No
- Is a ratification process a possible component of a settlement? Yes No

18. Are there any lien or subrogation claims against your file? Yes No

19. If YES, identify each purported lien/subrogation claimant and the current amount of each claim:

20. If the case is not settled during mediation, estimate legal expenses from the date of the mediation conference through trial/final hearing:

21. Check any of the following concerns which apply to this case:

- Time delays
- Hurt feelings
- Opposing counsel
- Negative publicity
- Balance of power between parties
- Internal disagreement
- Adverse precedent
- Venue
- Evidence
- Client control (any party)
- Attorneys' fees and costs
- Safety at mediation conference
- Judge(s)/Arbitrator(s)
- Other (describe in text box below):

22. Negotiation history:

Original demand		Date:	
Original offer		Date:	
Current demand		Date:	
Current offer		Date:	

23. Is there any applicable insurance? Yes No

24. If YES, what types of policies are there?

25. Is there a coverage dispute? Yes No

26. If YES, please describe:

27. Describe the best possible mediation outcome for the party you represent:

28. Describe the best possible litigation outcome for the party you represent:

29. Describe the worst possible mediation outcome for the party you represent:

30. Describe the worst possible litigation outcome for the party you represent:

31. What is your understanding of your client's interests and needs?

32. What is your understanding of the other party's interests and needs?

33. Are there any issues on which the parties have already reached agreement?

34. Are there any issues on which the parties are nearing agreement?

35. Explain any opportunities to reach a partial agreement in the event the entire dispute cannot be settled:

36. Are there options for settling the case other than or in addition to an exchange of money? Yes No

37. If YES, what are they?

38. Specify any material terms and conditions your client requires for settlement (e.g., confidentiality clause, non-compete agreement, Medicare set-aside provisions, etc.):

39. Describe any unusual dynamics that could impact negotiations (e.g., personality conflicts between participants, hidden interests of the parties, etc.):

40. What is the LARGEST issue in dispute?

41. Describe any key conversations, documents, agreements, industry standards or other items that support your client's views or positions on the largest issue:

42. What is the SECOND LARGEST issue in dispute?

43. Describe any key conversations, documents, agreements, industry standards or other items that support your client's views or positions on the second largest issue:

44. What is the **THIRD LARGEST** issue in dispute?

45. Describe any key conversations, documents, agreements, industry standards or other items that support your client's views or positions on the third largest issue:

46. Have you dealt with opposing counsel before? Yes No

47. If YES, what is the nature of your relationship with opposing counsel today?

48. Do you give the Mediator permission to continue his efforts by separate phone calls, emails, and other communications following the scheduled mediation conference? Yes No

49. Do you give the Mediator permission to share your Pre-Mediation Case Summary with opposing counsel? Yes No

50. Key documents may be submitted to the Mediator as necessary to facilitate his understanding of the case, such as Pretrial Stipulations, medical records, expert witness reports, excerpts from important deposition transcripts, or any other documents which counsel finds helpful. Please list by name all documents accompanying your completed Pre-Mediation Case Summary:

Once you have completed your Pre-Mediation Case Summary, please either email or fax a copy - along with all accompanying documents - directly to your mediator:

EMAIL:

bpeters@uww-adr.com

FAX:

(407) 661-5743

And please do not hesitate to call us should you have any questions:

UWWM Main Number:

(407) 661-1123

Thank you for choosing the mediation services of Brandon S. Peters and Upchurch Watson White & Max.
