

United States District Court
District of New Hampshire

v.

Civil No. _____

NOTICE OF MEDIATION

The above matter has been referred for mediation. The mediation will be held on _____, 20__, at _____ at _____

_____. **THE ATTORNEYS WHO WILL BE LEAD COUNSEL DURING THE TRIAL OF THE CASE SHALL APPEAR AT THE MEDIATION WITH THE PARTIES AND WITH THE PERSON OR PERSONS HAVING FULL AUTHORITY TO NEGOTIATE AND TO SETTLE THE CASE ON ANY TERMS.** At least five (5) calendar days before the mediation the parties shall exchange, and deliver to the mediator, a Mediation Conference Statement, limited to ten (10) pages, which should not be filed with the Clerk of Court.

The Mediation Conference Statement shall include the following:

1. A brief statement of the facts of the case, and of the claims and defenses, i.e., the statutory or other grounds upon which the claims are founded. This statement should identify the major factual and legal issues in dispute.

2. An itemized statement of the damages claimed and of any other relief sought.

3. A summary of the proceedings to date.

4. A history of past settlement discussions, offers and demands. If no discussions have taken place, the mediator directs the attorneys to discuss settlement, and exchange demands and offers prior to the mediation conference.

The parties shall also prepare a Mediation Conference Statement Confidential Addendum, limited to two pages, which shall be delivered directly to the mediator only, along with the Mediation Conference Statement. The Confidential Addendum shall not be filed with the Court or served upon the other parties.

The Confidential Addendum shall contain:

1. A forthright evaluation of the party's likelihood of prevailing on each of its claims and/or defenses.

2. The attorney's fees, time and costs expended to date, and an estimate of the fees, time and costs to be expended for further discovery, pretrial and trial.

3. The party's evaluation of the terms on which the case could be settled fairly.

At the mediation, the parties, by counsel, shall give a brief (10-15 minute) presentation outlining the factual and legal highlights of their case. Then separate, confidential caucuses will be held with each party and the party's representative(s).

Attached is an outline for counsel to review with the parties prior to the mediation to make the best use of the time allotted.

ANY FAILURE OF THE TRIAL ATTORNEYS, PARTIES OR PERSONS WITH AUTHORITY TO ATTEND THE MEDIATION OR TO PARTICIPATE IN GOOD FAITH MAY RESULT IN SANCTIONS (TO INCLUDE THE FEES AND COSTS EXPENDED BY THE OTHER PARTIES IN PREPARING FOR AND ATTENDING THE MEDIATION). FAILURE TO TIMELY DELIVER A MEDIATION CONFERENCE STATEMENT AND CONFIDENTIAL ADDENDUM MAY ALSO RESULT IN REFERRAL TO A JUDICIAL OFFICER FOR SANCTIONS.

Mediator

Date: _____

cc: Clerk, U.S. District Court
Counsel of Record/Pro Se Litigants