

*Richard L. Gilbert*  
Judge, Retired

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*Judge of the Superior Court, Retired*  
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*Amanda C. Gilbert*  
Attorney at Law

Re:

Dear Counsel:

This will confirm the mediation in the above matter to be held on  $\diamond$  **commencing at, in our office**. I would like to have mediation briefs by the close of business on  $\diamond$  The briefs may be faxed to me. Please limit the briefs to no more than 10 pages. Plaintiff's brief should include an overview of the facts concerning the claim or incident, a description of the injuries to each Plaintiff, if applicable, a summary of damages claimed and the theory of liability and a brief statement of prior settlement discussions, if any. Defendant's brief should include the same basic information from Defendant's perspective and should indicate what major issues (e.g. liability, nature and extent of injuries or damage) are contested. In addition, counsel should briefly note any significant legal issues of which they feel I should be aware in preparation for the mediation. If you think it helpful, you may wish to attach materials such as investigative reports, medical reports, expert reports, and the like. If you feel it necessary, confidential information may be designated as such and need not be furnished to the other side. Otherwise, a copy of the brief and any attachments should be served on opposing counsel.

I will expect that the individual parties and the fully authorized representative of any organization or carrier will attend the mediation. I may call on counsel to make a very brief opening statement concerning the case from their perspective. Please keep in mind that such a statement should be designed to encourage compromise and not polarize the parties. Emphasize your side's commitment to the mediation process and your empathy and understanding, even in disagreement, with the other side.

Enclosed is a form of mediation agreement dealing with the confidential nature of the proceedings and other key issues. Please review the agreement and contact me with any comments or return an executed copy with your mediation brief.

My fees will be billed at the rate of \$425 per hour and are subject to a three-hour minimum. An \$1,275.00 deposit is required in order to confirm setting of the mediation. A confirmation form and deposit billing form is enclosed. Please return this form with your share

of the deposit within five days of receipt of this letter. Fees are typically billed at the conclusion of the mediation process unless, for some reason, it is extended, in which case there may be an interim billing. Bills will be sent to counsel, and I will look to counsel for payment of the fees. It is my understanding that the parties have reached agreement respecting responsibility for my fees. If you are not advancing the fees on behalf of your client, you may wish to obtain a trust deposit for your client's estimated share of the fees. This is not necessary for clients whose costs are covered by insurance. Regrettably, we have found it necessary to impose a cancellation fee equal to the minimum fee for sessions canceled with less than 10 business days' notice. This payment will be credited against fees billed for matters re-scheduled within four months.

I trust that these arrangements are satisfactory and will assume so unless I hear from you. Thank you for selecting me for this interesting assignment.

For your convenience, information on our practice, building location, directions and parking information, sample forms and rates and fees may be found at our website, [www.rgilbertadr.com](http://www.rgilbertadr.com).

Sincerely,

Richard L. Gilbert

RLG:dp  
Enc.