

## **WRITTEN MEDIATION STATEMENT OUTLINES**

The following are examples of what to include in a (1) personal injury case mediation statement; and (2) non-personal injury case mediation statement.

### **(1) PERSONAL INJURY CASES**

- I. Identity of parties, including those individuals with the decision-making authority
- II. Facts of Case
  - A. Should contain clear statement of the basis of liability for each defendant.
- III. Discovery
  - A. All discovery completed to date.
  - B. Anticipated use of discovery before trial.
- IV. Injuries
  - A. Diagnosis and Prognosis.
  - B. Any permanent disability or scarring.
  - C. Anticipated future treatment
- V. Special Damages
  - A. Medical bills
    - 1. Amount billed by healthcare provider.
    - 2. Amount paid to healthcare provider or still outstanding.
    - 3. Anticipated future medical bills.
  - B. Lost Income
    - 1. Lost income to date.
    - 2. Anticipated future lost income.
  - C. Property Damage
    - 1. Estimates from autobody repair shop.
- VI. Liens
  - A. Health Insurance.
  - B. Car Insurance Med-Pay.
  - C. Medicare.
  - D. MediCal.
  - E. Other third parties.

VII. Insurance Coverage

- A. Policy limits for each defendant.
- B. Any coverage issues.

VIII. Settlement

- A. Negotiations
  - 1. Set forth all dates and amounts of all offers and demands as well as any conditions attached thereto.

**(2) NON-PERSONAL INJURY CASES:**

- I. Identity of parties, including those individuals with the decision-making authority
- II. Facts of Case
  - A. If contract involved - attach copy or summarize materials terms.
- II. Legal Issues
- III. Discovery
  - A. All discovery completed to date.
  - B. Anticipated further discovery before trial.
- IV. Special Damages and/or Relief Sought.
- V. Insurance
  - A. Policy limits for each defendant.
  - B. Coverage issues.
- VII. Settlement Negotiations
  - A. Terms of all offers and demands.