

MEDIATION/ENE BRIEFS **SUGGESTED GUIDELINES**

United States District Court
Office of Alternative Dispute Resolution
District of Rhode Island

Set forth below is content that should be included in mediation or ENE briefs.¹ Briefs should be submitted **not less than one week prior** to the scheduled mediation or early neutral evaluation. **Do not exchange briefs with opposing counsel.** Briefs should be sent directly to the attention of the assigned neutral. The following should be included in your brief or statement to the assigned neutral:

1. A brief, but complete statement of the **facts** as you understand them to be.
2. A statement of the **issues** the party submitting the brief believes to be crucial to the case.
3. The **governing law** each side is relying upon in support of their respective positions. Be certain to provide **citations** to law submitted in support of claims or defenses.
4. **Discovery completed** as of the date of submission of the brief.
5. Description of **settlement negotiations** as of the date of submission. This should include the **amount of any demand made by plaintiff(s) or offer(s) by defendant(s)** to settle the case. It is important to include the rational for how parties arrived at their respective demands or offers.
6. **Obstacles to settlement.**
7. **Names and relationship to the case of persons who will be attending the mediation or ENE with full settlement authority. Any other person attending should also be disclosed. REMEMBER: A person on both sides of the litigation must be present at ADR proceedings with full authority to settle the case. **Telephonic availability shall not be deemed good faith compliance with these requirements, unless approved by the mediator in writing and approved in advance of ADR proceedings.****
8. Any other information that counsel or the litigants feel would be helpful to the mediator or evaluator.

¹ Be sure to check with the assigned neutral to determine what his/her specific briefing requirements are.