

**Lorain County Court of Common Pleas
Civil Mediation
Information for Attorneys**

Mediation Office Staff and Contact Information

Mediator: Gail Ignatz-Hoover (loraincountyadr@loraincounty.us)
Administrative Assistant: Cyndy Stiwald (cstiwald@loraincounty.us)

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Rule 15 Mediation

Local Rule 15 will answer the vast majority of questions that attorneys may have regarding the mediation, including requirements of client participation, availability of continuances, and effect of referral on motions or other court orders.

Recommended Level of Discovery

Mediation is most successful when 1) the parties have exchanged the information necessary to a reasonable assessment of the case and 2) such exchange of information occurs sufficiently before the mediation to allow the clients and counsel to review that information. Documents sufficient to demonstrate your ability to prove your case should be exchanged. Expert reports, if necessary, should also be exchanged.

Most cases can be mediated without the deposition of the expert. In fact, that cost savings is one of the benefits of mediation. However, in personal injury cases, expert reports are especially important when 1) the injury is considered to be permanent, 2) the nature of the injury or causation of the condition is questioned, and 3) future lost wages are expected. In construction cases, expert reports are especially important when the structural integrity of the building is challenged. Written evaluations of costs to repair are very important to the resolution of construction cases.

Six weeks prior to the mediation, attorneys should review the file to verify that essential discovery will have been exchanged in time to allow both sides to prepare. If you determine that readiness is unlikely, please call the Mediation Office immediately. With six weeks notice, another case can be scheduled into that time-slot.

Documents to Submit to Mediator Prior to Mediation

Expert reports should be faxed to the Mediation Office. A summary of the damages is also helpful. **We recommend that those reports and summaries be sent several weeks prior to the mediation so that the Mediator will have time to review those materials.** Mediation briefs are not required as case files are normally reviewed prior to the mediation. If the attorney believes that the facts or the law are unusually complicated or extensive, then mediation briefs submitted two weeks prior to the mediation will be reviewed. Unless confidentiality is essential, sharing those briefs with the other parties is strongly recommended.

Attorney Referral to Mediation

Anytime after the Answer has been filed, the parties can file a motion to have the case referred to mediation. Instructions for an [Attorney Referral to Mediation](#) can be found on this website as well as a form [Motion for Referral to Mediation](#) and a form [Proposed Order for Referral to Mediation](#).

Client Resources

Clients seem calmer and more prepared to make a decision in mediation when they have been well prepared prior to the mediation. The [Frequently Asked Questions](#) section of this website will help your client understand the mediation process, the role of the mediator, and the effect of the mediation on the case. If you wish to print a copy of the FAQs for your client, a PDF version is available in the Documents section of this website under [Mediation FAQ's](#). The [Client Mediation Preparation Guide](#) is a guide that your client can use to gather their thoughts for discussion with you when the two of you prepare for the mediation. This Guide is intended only as a tool for you to use with your client. A Mediation Brochure and the Client Mediation Preparation Guide are sent to you with the Notice of Mediation. If the case is a foreclosure, then another worksheet is available to assist your client's preparation. The two page [Borrower's Worksheet](#) will help your client identify essential documents and summarize cash flow, assets, and liabilities.

Time Requirements

Most mediations can be completed in about three hours. Worker's compensation and foreclosure mediations can usually be completed in about two hours.

Special Considerations

Opposing Parties Who Once Lived Together or Who Are Related: If the opposing parties to any case have either resided in a common residence or are related by blood, adoption, or marriage, and have known or alleged domestic abuse at any time prior to the mediation, then the parties and their counsel have a duty to disclose such information to the Mediation Office and have a duty to participate in any screening required by local rule and by the Supreme Court of Ohio's Rules of Superintendence Rule 16.

Privilege v. Confidentiality: Mediation Communications are privileged (See ORC 2710.03-2710.05), but confidential only to the extent agreed upon by the parties. If you believe that the parties need to consider a confidentiality agreement to supplement the privilege, those issues should be addressed with opposing counsel and reduced to writing before the mediation.