

Pre-Mediation Briefing Memo¹

We kindly request you to prepare a concise memo for your upcoming mediation and email it at latest one week before the first mediation session to the mediator. The memo should preferably not exceed 5 pages. You can divide this memo in an open part (intended to be shared with the other party) and a confidential part (intended for the mediator only). If applicable please clearly mark the part of your memo that is confidential and send the confidential and open part of the memo in two separate documents. If not instructed otherwise the mediator will share your briefing memo with the other side to enable all parties to prepare for the mediation and to start the problem solving process.

Please cover the following information:

I SHORT DESCRIPTION OF THE DISPUTE AND LEGAL CASE

1. **Factual summary**, including a chronology of events, key the disputed and the undisputed facts
2. **Critical legal issues**, including a summary of your clients view on each issue
3. **Redress sought**, including a particularized itemization of all damages claimed
4. **Motions** filed and their status

II SETTLEMENT ANALYSIS

5. **Interests and needs** of your client that you would like to be met in the mediation
6. **Settlement proposals and bargaining history**- what has been done to date to try to settle this case, including any offers or counter offers previously made
7. **Impediments to settlement**- your views on why is there no settlement yet and an assessment of the obstacles to settling this dispute and ways to overcome them
8. **Expectations from the mediation**- what does your client want from the mediation, including what your client expects the mediator to do, how the mediator can help you, r, any issues that you specifically need to be dealt with or put on the agenda. Please also include any preliminary and inventive ideas for settlement that you would like to explore

III OTHER INFORMATION

9. **Representatives**- who will attend the mediation, including the name and position of the client representatives
10. **Address details**- of you and your client. Please clearly mark what email and postal address should be used for exchanging confidential correspondence regarding the mediation
11. **Constituency**- Who is your clients' constituency including decision making structures. Please also indicate to what extent your client has the authority to settle as well as any third parties that may influence the mediation process and/or its outcome
12. **Any other essential information** you want to share with the mediator and/or the other party, including any documents that you wish to bring into the mediation (you can include this as an attachment to the memo).

¹ Based on the "Pre-mediation submission" format as recommended by Prof. Hal Abramson. Source: "Mediation Representation, Advocating as a Problem-Solver in any country or culture". NITA: Louisville, USA, 2nd edition 2010.