

Common Steps in the Mediation Process

Invitation to/initiation of the process

This could be preceded by assessment interviews and assessment report

Who should be included?

What are the key issues?

What data/expertise are needed?

What are our process agreements?

Accomplish this with conference call or face to face meeting

Process preparation and planning

Data exchanges

Expert input if needed

Summarize legal or regulatory issues if needed

If highly technical, meetings of experts to clarify areas of agreement and disagreement

Conversations on core issues

Mediation session -Part 1

Confirm agreement on how we will work together

Have an open, healthy and | Mediation session -Part 2 candid work on each issue

Review pros and cons of the various positions (technical, factual or legal)

Expert presentations if needed

Clarify topics where there is agreement or disagreement

Clarify what happens if no agreement is reacvhed

Development of possible paths forward

Identify success criteria of each stakeholder

Develop several proposal "packages" that address all key issues

Assess how well each package meets the success criteria

Improve packages for better results

Stakeholder decisions about whether/how to settle

Decision making and implementation

Mediation session -Part 3

Confirm agreements

Schedule needed actions

Confirm and ensure actions are carried out

Create any needed written agreements or documents