

GEORGE H. FRIEDMAN CONSULTING, LLC

MEDIATOR'S PRE-MEDIATION INSTRUCTIONS

As the date of our mediation session draws closer, I wanted to provide some basic information on what to expect.

Dress code: Since we are meeting on a Sunday, I intend to be dressed “business casual.”

Disclosures: If there are any objections to my continued service as mediator, please express them to the administrator and not me.

Authority to settle: I assume reps for each side have authority to settle. If this is not the case, please indicate so in your non-confidential Pre-Mediation Statements. I will reconfirm during my opening statement.

Caucusing: I intend to caucus (more on that below) in the main meeting room, with the other parties going to their assigned private rooms.

Non-verbal cues: I'll try my best not to non-verbally appear to be more in synch with one party or the other. Please don't read anything into my head-nodding. This is also the case for the order in which I ask the parties or their representatives to speak.

Procedure: At a high level, we will proceed as follows:

Mediator's Opening Statement: I will introduce myself, as will each participant. Then I will explain the process for all present, including the role of caucusing, and confirm authority to settle (if not already established). I will also review the ground rules (e.g., no shouting or talking over one another), and in general explain my role.

Parties' Opening Statements: I will ask each party's rep to make a brief opening statement of no more than ten minutes, in this order: **the Smiths; RBC; Cook**. Here we will identify issues in dispute, and identify the needs of the parties (may be different from their positions).

Caucusing: We will then break for caucusing. This is where I meet privately with each side. My style is evaluative, so expect me to probe, cajole, suggest, and in general to be an “agent of reality.” If you reveal something to me that you don't want shared, rest assured, I won't. We will review or identify alternate approaches, and in general I will help explore the parties' needs and interests, permit you to vent, and give you feedback as we move toward settlement. There may be several rounds of caucuses. The order of first round will be the same as the Opening Statements: **the Smiths; RBC; Cook**. After the first round of caucuses, the order may vary depending on our progress.

Closure and Agreement: When we reach settlement, I will reconvene the entire group in the main meeting room. Then, I will summarize what I believe to be the items of agreement and terms of settlement. We will also decide who will write the first draft of the formal settlement agreement.

Thanks!