

Institute
for Conflict
Management, Inc.



Dispute Resolution Services
Mediation, Facilitation, Team Building, ADR Training

DATE

TO:	ATTY	ATTY	ATTY
	FIRM	FIRM	FIRM
	ADDRESS	ADDRESS	ADDRESS
	CITY STATE ZIP	CITY STATE ZIP	CITY STATE ZIP
	TEL	TEL	TEL
	FAX	FAX	FAX
	EMAIL	EMAIL	EMAIL

RE: CASE NAME
CASE NUMBER

Greetings:

Thank you for selecting the Institute for Conflict Management, Inc. (ICM) to mediate this dispute. As you know, mediation is a voluntary process that affords all parties the best opportunity to explore a dispute in a confidential environment and reach agreement. I can personally attest to its success in cases ranging from “admiralty to zoning.” Pursuant to our agreement, this mediation is scheduled for:

Date: DAY, DATE
Time: AM/PM – Until Completion
Location: TBD

Enclosed please find for your review our form Agreement to Mediate and my résumé. The Agreement to Mediate will control until all parties and the mediator agree to change it. We can sign the original at the session, but if you have any problems with the agreement, please let me know immediately.

Our fee, plus expenses, is to be split evenly between the parties unless otherwise agreed in writing prior to the mediation. As noted in paragraph eight (8) of the Agreement, a \$ _____ **deposit** is due from each party, to be sent **no later than [DATE 15 DAYS PRIOR]**. (ICM’s tax identification number is 93-1120384.)

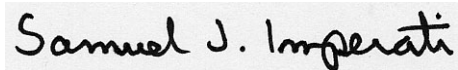
Please be sure that each party, or as a less desirable option, a party representative with **complete authority** to fully resolve all issues is present. **Please notify me immediately if this is not possible.** We cannot proceed meaningfully without the actual decision makers at the table.

In advance, I request that you send me a **confidential case summary** to help me prepare for the mediation. (If possible, please email this document in Word Perfect or Word. My address is: SamImperati@comcast.net. The exhibits can be sent under separate cover.) This analysis should be sent to me by **[DATE 10 DAYS PRIOR]** and should cover the following:

- 1) a brief review of the procedural status of the case;
- 2) a brief factual overview;
- 3) identification of the key factual and legal issues in dispute including a detailed “damages” analysis;
- 4) a bullet-style list of your factual/legal strengths;
- 5) a candid, bullet-style list of the other party’s factual/legal strengths, along with your response;
- 6) the underlying business or personal needs of *both* parties from a non-monetary perspective;
- 7) a history of settlement discussions including the last proposals and “whose court you think the ball is in;”
- 8) your view as to the past and current barriers to settlement including your thoughts as to the other side’s realistic view of the case;
- 9) highlighted copies of the key documents and pleadings;
- 10) a summary of any other information that will assist me in working with you; *and*
- 11) a list of the key parties, witnesses and professionals so I can check for “conflicts.”

I am confident we will be able to work together toward a satisfactory resolution and I look forward to assisting you in that process.

Sincerely,



Samuel J. Imperati, J.D.
Executive Director

Attachments: Agreement to Mediate
Résumé