

MEDIATION PLAN FORMAT

1. INTRODUCTION

Provide a background of the dispute and a brief biography of both parties.

2. MEDIATION STRATEGY

Overall approach to be taken to achieve a good outcome.

3. PARTY'S UNDERLYING INTEREST

Describe your party's interests that it planned to advance in the Mediation Session by reference to the GI.

4. PARTY'S BEST ALTERNATIVE TO A NEGOTIATED AGREEMENTS (BATNA)

- a) No alternative dispute resolution clause and straight to litigation; or
- b) To reach a mutually acceptable dispute resolution clause that contains the following:
 - i. Arbitration clause, without negotiation and/or mediation step
 - ii. Administered arbitration;
 - iii. Three-members of Arbitral Tribunal
 - iv. No confidentiality clause

5. OTHER PARTY'S UNDERLYING INTERESTS

Describe the other party's interests that it may advance in the Mediation Session by reference to the GI.

6. OTHER PARTY'S LIKELY BATNA

To reach a mutually acceptable dispute resolution clause that contains the following:

- a) A multi-tiered dispute resolution clause (negotiation, mediation and arbitration);
- b) Ad-Hoc arbitration;
- c) Sole arbitrator; and
- d) Confidentiality Clause.

7. ZONE OF POSSIBLE AGREEMENT (ZOPA)