

# TPHanrahan Dispute Solutions

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[DATE]

[Counsel/representative name/address]

Re: [Matter Name]

Dear Counsel,

This will confirm that you have engaged me to serve as mediator in the matter identified above. I appreciate the confidence you have placed in me. Based on our initial communications, the mediation is scheduled for (date) at (location). Subject to further discussion with you, we will proceed as follows:

First, there are two enclosures with this letter: (i) a copy of my Mediation Procedure statement, and (ii) the Mediation and Confidentiality Agreement. The former addresses several issues common in mediation, and answers a number of questions you may have. All persons attending the mediation must sign the Confidentiality Agreement either before we meet or at the beginning of the mediation. Please return the signed Agreement to me by email in advance if at all possible, so that we can minimize housekeeping time when we meet.

Second, I have scheduled a preliminary telephone conference with counsel for [DATE/TIME]. The Mediation Statement contains an outline of issues to address during that call. I anticipate that call will take 30-60 minutes, and I would ask one of you to arrange a dial-in number. Please consult with each other and advise me if the proposed date/time needs to be adjusted to accommodate your schedules.

Third, [if date/place not already agreed: We will confirm the date and location of the mediation during our preliminary call.] As you know, settlement is a process, not an event. Reaching agreement sometimes happens early and quickly, but more commonly the process requires time. This means that all persons attending the mediation should anticipate that this process may take an extended period, and should plan accordingly. Please advise me as soon as possible who will attend the mediation.

Fourth, please send mediation briefs to me by email ([tom@tphanrahan.com](mailto:tom@tphanrahan.com)) no later than seven (7) days before the mediation. No particular format is required, but prompt delivery is important to allow me time to understand the issues, positions and interests at stake, to consider how best to proceed in the mediation, and to confer again with you regarding any issues that I may think useful to discuss in advance. The Mediation Procedure statement contains some thoughts and suggestions about making the brief most effective. I strongly encourage you to share these briefs. Doing so is in each party's interest and advances the progress of the

Name

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mediation by helping each party to understand at the outset the other's perspectives, needs, and thoughts about a resolution. Sharing these briefs helps all sides to prepare.

Fifth, my fee for this mediation is \$ \_\_\_\_\_. Counsel for each party is responsible for its share of the mediation fee. The full fee must be paid in advance unless I agree otherwise with you. The fee covers all preparation and the mediation itself, as well as any follow on conversations that may be useful or necessary. In the event we decide to continue meeting on another day, a further fee will be required.

Last, my conflicts check has not revealed any actual or potential conflict that would compromise my neutrality or the appearance of neutrality.

I look forward to working with each of you to resolve this dispute. Please call me at any time to discuss thoughts and ideas about how to make this effort most productive.

Very truly yours,

Thomas P. Hanrahan