

Dispute Resolution & Mediation Preparation Form

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This form helps you prepare for dispute resolution. Effective dispute resolution and mediation require preparation and critical evaluation of the issues in dispute and the various positions of the parties. The background information requested in this form also helps me assist you achieve resolution of your dispute. I ask that you provide complete answers to the below questions, and that you provide me with your answers at least one week before the scheduled mediation. Your answers are completely confidential—they will not be shared with the other party(s). I am having all party(s) provide me with answers to the same questions.

I have also inserted text fields which should allow you to insert comments and information. If you insert text you should save the modified form under a different file name. It may be more convenient to use this paper if you print a hard copy so that you can more easily refer to the materials as you complete the steps below.

Thank you. I am looking forward to working with you to settle your dispute.

Dave Tate, Esq.

Limitations and Disclaimer. These materials do not provide legal, accounting or other professional advice or services, are not a solicitation for work, and do not apply to any particular person, entity, event, board, director, audit committee, transaction or situation. These materials are only a summary. If you have questions or issues about a particular specific situation, you need to seek your own legal, accounting or other professional assistance, and you absolutely should not rely on the summary materials in this paper. The materials in this paper are updated periodically, and cannot be relied on for that additional reason.

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1. Please provide the following background and contact information as appropriate for your dispute or case:

The current date:

Your name:

Your title or position:

Your employer:

Your address where I can reach you by mail:

Your phone number:

Your fax number:

Your e-mail:

The name of your attorney or representative if you have one:

Contact information for your attorney or representative (name, firm, phone, fax, e-mail, address):

2. In the order of importance to you (beginning first with the most important), please list and describe, including important dates, each issue or item for which there is a disagreement or dispute, including your views or positions and the views or positions of the other party(s).

3. For each issue or item discussed in number 2 above, describe conversations, documents, agreements, industry standards, applicable laws, and other things that support your views or positions. I also encourage you to provide me with copies of important documents. You should also bring copies with you to the mediation.

4. For each issue or item discussed in number 2 above, describe conversations, documents, agreements, industry standards, applicable laws, and other things that tend to support the views or positions of the other party(s). I also encourage you to provide me with copies of important documents. You should bring copies with you to the mediation.

5. For each issue or item discussed in number 2 above, if you have been injured and/or damaged list each person and/or entity that caused your injuries and/or damages; describe what each such person or entity did wrong that caused your injuries and/or damages; and estimate the percentage of fault that you attribute to each such person or entity that caused the injuries and/or damages. The fault that you apportion between all of the responsible persons and entities should total 100%.

6. For each issue or item discussed in number 2 above, if it is claimed that you caused the injuries and/or damages, describe why you are not responsible for causing the injuries and/or damages; list each person and entity who is responsible for causing the injuries and/or damages; and estimate the percentage of fault that you attribute to each such person or entity that caused the injuries and/or damages. The fault that you apportion between all of the responsible persons and entities should total 100%.

7. For each item of injury and/or damage that is alleged in the dispute, estimate the value or amount of each such injury and/or damage regardless of who you believe is responsible or at fault for causing the injury and/or damage.

8. Describe in detail and in chronological order with dates the resolution offers that you have made (if any) to resolve or settle each item of dispute.

9. Describe in detail and in chronological order with dates the resolution offers that each other party has made (if any) to resolve or settle each item of dispute.

10. Describe in detail the resolution offers that you would be willing to make to resolve or settle each item of dispute.

11. Describe in detail the resolution offers that you believe the other party(s) would be willing to accept to resolve or settle each item of dispute.

12. Describe in detail (1) the current positions of the parties and current settlement offers on the table, and (2) whether you believe that you are close to agreement or settlement with the other party(s), and if not, why not.

13. For each issue or item discussed in number 2 above, describe the criteria that you would use to determine whether a settlement proposal is reasonable.

14. For each issue or item discussed in number 2 above, describe or explain the remedy that you believe that an independent judge, jury, arbitrator, evaluator, fact finder, or other relevant decision maker would most likely give you if the issue or item in dispute is not settled, and why you believe that you would be given that remedy. The term “remedy” refers to the award or recovery that you believe that you will be given, or the release or defense from fault or liability that you believe you will be granted.

15. Describe how the other party(s) has been unfair to you, if at all. You may feel that you have already answered this question in your above responses. If so, please indicate. However, if you would like to provide further responsive information or discussion, or if you would like to answer this question from a viewpoint other than what you already provided, please feel free to do so.

16. What additional information do I need to know to help you and the other party(s) resolve the issues and items in dispute? For example, there may be important additional information about the history of your dispute or case about which I have not been told, or things that have happened or that people have said or done, or perhaps events involving relationships or emotions. It would be most helpful if you would describe those matters in detail for me below and also indicate for how long those matters have been ongoing.

17. What else do you suggest should be done or accomplished, and what else do you suggest that I should do to help you and the other party(s) resolve the issues and items in dispute?

Mediation briefs. You may submit a mediation brief or you may be requested to submit a mediation brief in addition to your responses to this questionnaire. In a mediation where parties are represented by legal counsel it is common that the attorneys would submit mediation briefs. However, I do request that you provide complete answers to this questionnaire even if you are going to submit a mediation brief. If you do wish to submit a brief, the parties should agree whether briefs are going to be exchanged between the parties, and the timing of the exchange. Generally, it can be helpful for the parties to exchange briefs. Each party can separately provide the mediator with information that is of a confidential nature.

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