



CONSTRUCTION DISPUTE RESOLUTION SERVICES, LLC
SPECIALIZING IN MEDIATION & ARBITRATION

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NOTICE OF MEDIATION

DATE OF MEDIATION: _____

TIME OF MEDIATION: _____

LOCATION: _____

ASSIGNED MEDIATOR(S): _____

PREPARTATION

1. The parties should present a written summary of the key facts, issues, and matters of law to the Mediators at least one week prior to the mediation date. A person with full settlement authority must be physically present at all times during the mediation. The names and titles of representatives attending should be included in the mediation summary indicating those individuals who have full settlement authority.
2. If applicable, contracts, change orders, engineering plans, specifications, manufacturer's installation instructions, floor plans, construction plans etc., should be brought to the mediation. Do not send them to the Mediators.
3. If there are monetary considerations involved in the dispute, bring any cancelled checks, credit card receipts or other financial documents relating to the matters in dispute to the mediation. Do not send them to the Mediators.
4. If craftsmanship, quality of workmanship, code violations, unsafe conditions or other visual matters are in question or are involved in the dispute, bring photographic documentation, if available, to the mediation. Do not send them to the Mediators.
5. The mediators or the clients have the right to schedule a jobsite visit if they feel it would be beneficial to the mediation process. A client who requests a jobsite visit must do so at least two weeks prior to the mediation. Both clients must be present during a mediators' jobsite visit.

MEDIATION INFORMATION

- 6. Mediation segments shall be no longer than two and one half (2½) hours in length, followed by a one and one half (1½) hour lunch break, followed by another two and one half (2½) hours segment if necessary. The Mediators shall determine the appropriate times for breaks as necessary. Segments may be extended only upon the agreement of all Clients and the Mediators if a settlement seems imminent or the mediators feel an extension of the time schedule would be beneficial to the mediation process.
- 7. If the first mediation session (two - 2½ hour segments) results in no final agreement, a second session shall be scheduled at the end of the first session, unless a Client or the Mediators wish to terminate the mediation, according to paragraphs 20, 21 and 22 of the "Agreement to Mediate."
- 8. All Clients will be afforded the opportunity to present an uninterrupted opening statement followed by an uninterrupted response. A general discussion will follow. If necessary, at the discretion of the Mediators, private sessions (caucuses) will be arranged by the Mediators. The Mediators may then call both parties together and, if necessary, adjourn to private sessions again, followed by another joint session, etc. The Mediators reserve the right to change mediation procedures, as they deem appropriate.
- 9. The Mediators reserve the right to modify the schedule of the mediation due to an illness of the Clients or Mediators, inclement weather, or other extenuating circumstances.
- 10. Any matters not covered in the "Agreement to Mediate" or in this "Notice of Mediation" shall be decided by the Mediators as required.

RECEIPT ACKNOWLEDGEMENT

I have read, understand, and agree to the terms and conditions of both the Agreement to Mediate and this Notice of Mediation.

By: _____
Signature

Company Name

Print Name

Date

Please sign, date, and fax (505-466-1808), e-mail (cdsrnm@comcast.net) or otherwise deliver this form to Construction Dispute Resolution Services, LLC within 48 hours.