
**BAGGING SETTLEMENT
MEDIATION
PHASE 1 – INITIAL CONTACTS**

**[Telephone Call with Bagger's Attorney
For Potential Mediation of a Commercial Contract Dispute]**

Cincinnati-based Mediator's Information

You are a mediator in Cincinnati, with a limited traditional law practice as “of counsel” at a large law firm. You initially practiced as a litigator and young partner at the firm before spending 25 years as inside general counsel at a local telecommunications company and then at a local university. Since early retirement at the university, you were invited to be of counsel at your old firm. You have also built a mediation practice there. You began with a local court program, attended a highly regarded mediation training program, and have been mediating for the last five years. Mediation probably takes up 60% of your time.

You recently received an email from an attorney in Philadelphia, seeking to set up a telephone call to discuss a possible mediation. The attorney's email stated that he represents Bagger, Inc., a Philadelphia-based family-owned bag company, in a dispute against Delishco, Inc. the large Cincinnati-based food company. You recognize the attorney's Philadelphia boutique firm name, but you have never mediated with anyone from that office before.

The attorney's email indicates that they received your name from Delishco's attorney in Cincinnati, with whom you have mediated several times before. Delishco's attorney practices with a large, well-respected Cincinnati law firm. They can be stubborn and a tough bargainer, but you have never seen them stand in the way of a good settlement for their client.

Your telephone call with Bagger's attorney is scheduled to begin soon.