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

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

Philadelphia-based Mediator's Information

You are a mediator in Philadelphia, 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 meditating for the last five years. Mediation probably takes up 60% of your time.

You recently received an email from an attorney in Cincinnati, seeking to set up a telephone call to discuss a possible mediation. The attorney's email stated that he represents Delishco Inc. a large Cincinnati-based food manufacturing and marketing company, in a dispute against Bagger Inc., a Philadelphia-based company. You recognize the attorney's firm name as being one of the larger law firms in Cincinnati, but you have never mediated with anyone from that office before.

The attorney's email indicates that he received your name from Bagger's attorney in Philadelphia, with whom you have mediated several times before. Bagger's attorney practices with a small boutique litigation firm. He can be stubborn and a tough bargainer, but you have never seen him stand in the way of a good settlement for his client.

Your telephone call with Delishco's counsel is scheduled to begin soon.