

NDR PROCESS

STEP ONE

INITIATION

Initiation

Parties investigate their options and determine if NDR meets their requirements.

Parties may conduct a risk assessment of their situation; particularly in respect of ongoing or planned litigation.

Parties make an initial approach to confirm each other's appetite for NDR.

Parties make separate confirmations to the facilitator that they wish to consider NDR and initial consultations take place.

Parties Agree to Mediate through NDR.

STEP TWO

PREPARATION

Preparation

During the Preparation Phase all parties are briefed and prepared for NDR.

Parties agree to suspend legal proceedings.

Parties provide their understanding of the dispute and a brief summary of their positions to the mediator (Case Summary).

Parties are provided with resources to assist them in their preparations for negotiations.

Arrangements are made for the Negotiation and Settlement Session.

STEP THREE

NEGOTIATION AND SETTLEMENT SESSION

Opening

In the Opening Phase of the Negotiation and Settlement Session parties give their Opening Statements (Oral or Written).

Ground rules in respect of conduct, timings, access to advisors and other arrangements are agreed by all parties.

An outline agenda for the session is agreed.

The Key Issues for settlement are identified and agreed.

Exploration

In Exploration there is a detailed investigation of parties Positions and Interests.

This is based upon the Key Issues identified in Opening and provides the opportunity for clarification in respect of:

What Matters?
Why it Matters?

This provides all parties with a focused and much clearer understanding.

It establishes a Broad Foundation for Negotiation.

Negotiation

Parties can now enter into Negotiation, equipped with the understanding they acquired in Exploration.

Exploratory offers that address the key issues, positions and interests can now be exchanged.

These are examined in detail; leading to requests for clarification and counter proposals.

Where both parties see positive momentum, they advance negotiations towards building an Outline Settlement.

Conclusion

Once parties are confident that it is in their best interest to progress matters, the process moves on to the drafting of a Detailed Settlement.

Terms and Conditions, schedules and other details are inserted to confirm delivery and enforcement arrangements.

This is now the final Settlement Agreement aimed at a robust and lasting resolution.

It is signed as a legally binding agreement and the session concludes.

End