[Agency Letterhead]

Sample Engagement Letter

Re: [Name or description of the dispute]

Dear [Name of party or party’s counsel]:

This is to confirm that you have selected me as the mediator for the above-referenced dispute. The mediation if scheduled for [date] at [time] at [location]. Please be sure that you have allocated at least four (4) hours for the session.

Mediation is an informal, non-adjudicative process. I, the mediator, will not make a decision. It is you, the parties, who work together to resolve your dispute. I, as a mediator, use a facilitative approach. I will encourage your communications and negotiations, probe for common underlying interests, evaluate strengths and weaknesses of your individual positions, and assist you to both generate and respond to settlement proposals.

As you know, I am employed by the Governor’s Office of General Counsel. I want to be sure to disclose that [additional conflict issues]. If this raises concerns regarding my ability to be impartial, please notify me at once. It is my obligation and duty to remain impartial throughout the mediation.

I will begin the mediation with a joint session and will uses caucuses as necessary. Caucuses are separate, private and confidential meetings with the parties. When you make your initial presentations in joint session, please be ready to describe your perceptions of the events that gave rise to the dispute and, to the extent you are willing, describe the interests that will guide you in making and responding to settlement offers.

The parties should act in good faith. The following are Good Faith Ground Rules for your guidance.

1. The parties agree to be fully prepared to discuss the dispute and to offer possible resolutions.
2. The parties agree to take turns speaking and listening.
3. The parties agree to try to understand the other party’s interest.
4. The parties agree not to engage in negative behaviors, and only to ask questions to gain clarity and understanding.
5. The parties are willing to explore creative resolutions.
6. The parties agree to have a representative with settlement authority present or readily available.

For more information on these rules, visit [www.ogcdr.pa.gov](http://www.ogcdr.pa.gov). If you believe that you cannot comply with these rules, please inform me now in advance of the mediation session, because a lack of compliance may mean that the dispute may not be presently suitable for mediation.

Enclosed you will find an Agreement to Mediate. I will ask you to sign this agreement when the first mediation session commences.

I have enclosed a Mediation Statement Form, which will provide me with essential background information concerning this dispute. Please return your Mediation Statement Form to me by [Date]. Your response should succinctly and fairly portray the dispute. The information is for my use only and will not be disclosed to any party without your permission. At the conclusion of the mediation, the Mediation Statements will be destroyed.

I will telephone each party to discuss the dispute and mediation the week before the first mediation session. This telephone call also will be treated as confidential.

I look forward to meeting with you. Please let me know if you have any questions or if you require additional information.

Sincerely,

[Name]

[Address]

[Phone]

If you are a person with a disability, and you wish to attend the mediation session, we may be able to make arrangements for your special needs. Please call the scheduling office at the Office of General Counsel:

* Scheduling Office: (717) 783-6563
* For persons who are deaf or hearing-impaired, contact the AT&T Relay Service: 1-800-654-5988