

## Sample Written Mediator’s Proposal Structure

Dear [x],

Thank you for all your efforts to resolve this matter at mediation [provide date]. While a settlement was not reached at the session, you made great progress. At the session, you [requested/consented to receive] a mediator’s proposal. As discussed, this proposal [is nonnegotiable and] should be accepted or rejected as outlined below. Please note that this proposal is not an evaluation of the merits of this case. Instead, it reflects my assessment based upon the information shared during the mediation process of what terms would most likely result in an agreement at this time.

This proposal was formulated by [rationale].

The terms are as follows:

1. Payment by \_\_\_\_\_ to \_\_\_\_\_ of \$ \_\_\_\_\_, within \_\_\_\_\_ days of full execution of the settlement agreement.
2. [Additional payment terms, tax implications]
3. [Non-monetary terms]
4. [Mutual releases]
5. [Dismissal with prejudice]
6. [No admission of liability]
7. [Confidentiality provision]

If both sides accept the proposal, I will let you know that an agreement has been reached. If one or both sides reject the proposal, I will inform you that no agreement has been reached without disclosing who has rejected the proposal.

Please provide your response **only to me** by \_\_\_\_\_ at \_\_\_\_\_ o’clock. Do not send your response to the other side. [Failure to respond to this proposal by the stated deadline will be treated as a rejection of the proposal].

Sincerely,

[x]

This document was created for the EDNY ADR Program “Mediator’s Proposal Workshop” on June 4, 2024.