

Elements of an Effective Agreement

- Drafted in the words of the parties
- Addresses the interests of the parties
- Present / future oriented
- Workable, realistic, implementable
- Clear, precise, specific
- Legible
- Anticipate contingencies
- Plan for breaches (ADR provision)
- Confirm terms with parties
- Opportunity to review by counsel
- Do not bind absent third parties



Dealing with Difficult Behaviors

As you observe the simulations, prepare to answer the following questions:

1. What was the difficult behavior?
2. What did you see the mediators do?
3. What else could be done?

