

CHAPTER 27. RULES FOR ADMINISTRATIVE SERVICES.

Subchapter C. NEGOTIATION AND MEDIATION OF CERTAIN CONTRACT DISPUTES.

DIVISION 4. ASSISTED NEGOTIATION PROCESSES.

§27.143. Factors Supporting the Use of Assisted Negotiation Processes.

The following factors may help parties decide whether one or more assisted negotiation processes could help resolve their dispute:

- (1) The parties recognize the benefits of an agreed resolution of the dispute.
- (2) The expense of proceeding to contested case hearing at the State Office of Administrative Hearings is substantial and may outweigh any potential recovery.
- (3) The parties seek an expedited resolution of the dispute.
- (4) The ultimate outcome of the dispute is uncertain.
- (5) There exists factual or technical complexity or uncertainty that would benefit from expertise of a third-party expert for technical assistance or fact-finding.
- (6) The parties are having substantial difficulty communicating effectively.
- (7) A mediator third party could facilitate the parties' realistic evaluation of their respective cases.
- (8) There is an existing relationship between the parties.
- (9) The parties want to retain control over the outcome.
- (10) There is a need to develop creative alternatives to resolve the dispute.
- (11) There is a need for flexibility in shaping relief.
- (12) The other side has an unrealistic view of the merits of their case.
- (13) The parties or aggrieved persons need to hear an evaluation of the case from someone other than their lawyers.