

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 (SOAH) is substantial and might outweigh any potential recovery.
- (3) The parties want an expedited resolution.
- (4) The ultimate outcome 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 on-going relationship that exists between 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.