CONFIDENTIAL / FOR MEDIATION PURPOSES ONLY

Date: [Insert Date]

To: [Mediator Name]
[Mediator Address]

Re: [Case Name/Caption] vs. [Opposing Party Name]
Case Number: [Insert Case Number]

Dear [Mediator Last Name],

This confidential letter of instruction is provided to assist you in the upcoming mediation scheduled for [Date]. This document is intended for your eyes only and is submitted pursuant to the mediation confidentiality rules.

1. Case Summary and Status

[Briefly describe the commercial dispute, the current stage of litigation, and any upcoming trial dates or critical motions.]

2. Key Legal and Factual Issues

[Outline the primary strengths and weaknesses of your client's position. Identify specific contractual clauses, statutes, or evidence that will drive the negotiation.]

3. Damages and Financial Exposure

[Detail the calculated damages, including principal, interest, attorney fees, and any potential offsets or counterclaims.]

4. Settlement History

[Summarize any previous settlement offers or demands made by either party and why prior attempts failed.]

5. Settlement Objectives and Barriers

[Identify your client's primary goals, non-monetary requirements-such as confidentiality or non-disparagement-and what you perceive as the main obstacles to reaching an agreement.]

6. Confidential Instructions for the Mediator

[Provide the mediator with specific guidance on how to approach the other party, what information can be shared, and any sensitive "bottom-line" considerations you wish to disclose privately.]

We look forward to working with you to resolve this matter.

Sincerely,

[Your Name]
[Law Firm Name]
Counsel for [Party Name]