

Situation Assessment Meeting (SAM)

What do you do when your negotiations have stalled or become problematic?

The Situation Assessment Meeting is a safe quick, cost-effective opportunity for all parties to meet to discuss the nature and extent of their dispute, and plan together possible options including mediation for moving their case towards resolution.

The meeting is facilitated by a neutral ADR design professional who will assist the parties to focus on process rather than substance.

Parties in a Situation Assessment Meeting may address and determine:

- The necessary participants
- The level of authority the parties will need in order to make a decision
- Required information and the process for obtaining and exchanging it
- Barriers to negotiation and new options to move forward
- The role of experts lawyers and regulators
- Identification and clarification of facts and issues
- How to engage a mediator or other dispute resolution professional
- What are the costs associated with new options and how will payment be handled
- How privacy confidentiality, and disclosure of information will be handled
- The logistics of the next process including timing, duration, and location
- The form and enforcement of any settlement agreements that may be reached
- While engaged in dispute resolution it is important to remember that there may be limitation periods running or procedural deadlines for matters already in process. These can relate to court actions or other remedial procedures under provincial legislation or arbitrations under agreements. Sometimes these deadlines can be extended or put in abeyance by agreement and other times filings may be needed as “placeholders”. You must review the applicable legislation and your agreements to determine your choices. Informing the other side of the necessity of placeholder steps is important to ensure that they understand that these are necessary to protect your options and do not reflect a lack of good faith in the dispute resolution process.

The Situation Assessment Meeting is usually:

- Of limited duration
- Low cost, split among all parties
- Often facilitated by a Service Provider and/or Mediator

Required by EUB for its ADR program for Industry to Industry cases – It is called a PADR.