

NEGOTIATION—MEDIATION—ARBITRATION (NeMA Clause)

- The parties will attempt in good faith to resolve any disagreement or claim relating to this Agreement by prompt negotiations between [principals, senior executives] of the parties who have authority to settle the disagreement.
- If this step does not produce resolution within ten (10) days of the first meeting, the parties agree to commence mediation immediately, before [name mediator or] a Fellow of the College of Commercial Arbitrators.
- If mediation does not produce resolution within thirty (30) days of the first mediation session, the parties agree to submit their disagreement(s) forthwith to final, binding arbitration before [name an arbitrator or] a Fellow of the College of Commercial Arbitrators, pursuant to the Commercial Rules of the American Arbitration Association. Judgment upon the award rendered by the arbitrator may be entered in any court having jurisdiction to do so.

[Comment by Ed Costello: This form eliminates the correspondence element and the posturing that frequently is contained therein. It can be tailored to involve the appropriate level of management, depending on the nature of the disputes covered. As with most recommended clauses that contain an arbitration provision, this one is self-executing.]