



LexisNexis™

Mealey's Insurance Coverage Disputes
Concerning Construction Defects

Caesars Palace, Las Vegas

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**Proactive Preparation for
Effective Mediation**

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The Parties

- Should all the parties of the underlying case be present?
- Should the policyholder have independent coverage counsel?
- Who should be at the table from the insurance carrier?
- Should the additional insured carriers be present?
- What characteristics should you look for in a mediator?
- Should there be a separate coverage mediator?



Preparing for Mediation

- When is the case ready for mediation?
- What meetings should take place before the mediation?
- Should mediation position statements be exchanged and/or submitted to the mediator?
- What documents should be given to the mediator?
- What documents should be present at the mediation?
- What is the best physical layout of the mediation site?



The Legal Issues

- Which policies apply?
- Which legal issues should be addressed first?
- How do you begin an allocation discussion?
- Should the carrier enter into temporary funding agreements?