

## The CPR Institute Mission Statement

*“To spearhead innovation and promote excellence in public and private dispute resolution, and to serve as a primary multinational resource for avoidance, management, and resolution of business-related and other disputes.”*

The various operations and activities that realize the Institute’s mission are captured in the acronym of the name:

**C** The Institute **convenes** legal and business leadership to develop and encourage the exchange of best practices in avoiding, managing, and resolving disputes.

**P** The Institute **publishes** its own work and that of other like-minded organizations, making resources available to a global community of problem-solvers.

**R** The Institute helps companies and counsel **resolve** complex disputes by devising rules, protocols, and best practices, and by providing disputants with resources and consulting expertise in selecting appropriate methods and neutrals to assist in the dispute resolution process.

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CPR Institute is the leading global **advocate** and **resource** for preventing and resolving business disputes.

Mediation Principles for Insurer-Insured Disputes is only one part of an arsenal of materials that we have created specifically for the insurance community. For a complete listing of insurance resources, please go to [www.cpradr.org](http://www.cpradr.org) and click on Industries and Practice Groups. Or simply go to:

[www.insurancemediation.org](http://www.insurancemediation.org)

In addition to our work in the insurance industry, we also offer a wide range of conflict prevention and management information and services in the following areas:

- Arbitration
- Banking and Financial Services
- Construction
- Domain Name Disputes (ICANN)
  
- Employment
- Energy, Oil, and Gas
- Europe/International
- Franchise
  
- Information Technology
- Mass Claims
- Patent and Trade Secret

CPR’s wealth of intellectual property and published material has educated and motivated general counsel and their firms around the world and helped reduce costs and risks associated with conflict. CPR’s proprietary panel of esteemed arbitrators and mediators has provided resolutions in thousands of cases, with billions of dollars at issue, worldwide.



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Conflict Prevention & Resolution

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## International Institute for Conflict Prevention & Resolution

# Mediation Principles for Insurer- Insured Disputes

ANOTHER CPR INSTITUTE  
INITIATIVE THAT HELPS CONTAIN  
THE COST OF CONFLICT



**CPR**

International Institute for  
Conflict Prevention & Resolution

For a complete list of CPR’s services  
for the insurance industry, please go  
to [www.insurancemediation.org](http://www.insurancemediation.org)

In 2005 the International Institute for Conflict Prevention & Resolution (CPR Institute) convened the Corporate Insurance Coverage Committee, chaired by Dennis R. Connolly, and comprised of representatives of corporate policyholders, commercial insurers, coverage counsel, and defense counsel.

The role of the Committee was to devise and promulgate best practices for managing policyholder coverage disputes in an efficient and commercially rational manner. As a function of this role, the Committee drafted Mediation Principles for Insurer-Insured Disputes, designed to encourage parties to engage in mediation when faced with the prospect of coverage or other insurance-related litigation. These Principles are contained in this document. We hope that you will agree to and sign them.

The creation of an ever-increasing group of powerful signatories will result in an enormous saving of time and money associated with trials and court costs, as well as a resolution process that will result in a less complicated flow of commerce.

We wish to thank the members of the Committee for their unstinting time and care in creating these Principles. If you have received a copy of this brochure, we ask that you sign the accompanying pledge and return it to:

**Helena Tavares Erickson**, Senior Vice President  
International Institute for Conflict Prevention & Resolution  
30 East 33rd Street  
6th Floor  
New York, NY 10016  
USA

## MEDIATION PRINCIPLES FOR INSURER-INSURED DISPUTES

### 1. Parties:

- 1.1 Non-insurance companies which are signatories to the CPR Corporate Policy Statement on Alternatives to Litigation (“CPSAL”); and
- 1.2 Insurers which are signatories either to the CPSAL or to the CPR Inter-Insurer ADR Protocols.
- 1.3 Any other entity electing at any time to follow these principles.
- 1.4 Any companies included within 1.1-1.3 above may be referred to as “Parties.”

### 2. Governing Principles:

- 2.1 The Parties acknowledge and agree that the consensual resolution of disputes is to be preferred over imposed resolutions.
- 2.2 The Parties also acknowledge and agree that good faith confidential mediation is a favored process to achieve a consensual resolution of disputes.
- 2.3 Unless otherwise agreed by the Parties, or as otherwise set forth herein, the provisions of the CPR Mediation Procedure (CMP) shall apply to all proceedings hereunder.

### 3. Process:

- 3.1 The Parties to any dispute agree, upon the written request of any Party, to engage in good faith confidential mediation of their dispute.
- 3.2 After the delivery of a written request for mediation, at any time prior to appointment of a mediator, any party to the mediation may deliver to the parties and CPR a written request for a stay of the mediation, including specifically the commencement of the process for selecting a mediator, in order for the parties to engage in direct negotiations. CPR will stay further mediation proceedings, including selection of the mediator, for 30 days from receipt of such a notice or such longer time as the parties to the mediation may mutually agree in writing.

- 3.3 Subject to 3.2, the Parties shall engage in a good faith selection of a mediator, who shall be selected
  - (a) from among the CPR Insurance Coverage Mediation Panel by whatever process the Parties agree; or
  - (b) in any other manner agreed by the Parties; provided however,
  - (c) if the Parties fail to select a mediator pursuant to 3.3(a) or (b), then the “unable to agree” provisions of Section 2 of the CMP shall apply.
- 3.4 Consistent with the provisions of the CMP, the mediator may encourage the exchange of such information as may be necessary to resolve the dispute, but in no event does the mediator have the authority to order the production of any information.

The CMP is available at <http://www.cpradr.org>  
Click on CPR Clauses, Rules, Codes, and Procedures in the left navigational bar and then scroll down to Mediation Procedures on the top menu.

For information on how to file a matter with CPR, see <https://www.cpradr.org/dispute-resolution-services/file-a-case>.

## CPR PLEDGE FORM

We recognize that for many insurance coverage disputes there is a less expensive, more effective method of resolution than the traditional lawsuit. Alternative dispute resolution (ADR) procedures involve collaborative techniques which can often spare businesses the high costs of litigation.

In recognition of the foregoing, we subscribe to the CPR Mediation Principles for Insurer-Insured Disputes.

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CHIEF LEGAL OFFICER

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COMPANY

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DATE

\*Our major operating subsidiaries are:

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**Upon completion please mail the signed pledge to:**

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New York, NY 10016  
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