



Using AI Risk Analysis Summaries in Mediation

Participant Handout

A structured risk analysis gives mediators and parties a clear, neutral picture of what is at stake. When used skillfully, these summaries help shift the negotiation from positions to informed, interest-based problem solving. The following guidance outlines practical ways mediators can use risk analysis summaries throughout the mediation process.

1. Reframing the Conversation

Risk analysis transforms the discussion from “who is right” to “what matters.”

Instead of debating fault, parties evaluate:

- financial exposure
- evidentiary vulnerabilities
- procedural uncertainty
- operational disruption
- reputational or relationship risks

A mediator might say:

“Let’s look at the range of risks each of you identified so we can understand the landscape you’re making decisions in.”

2. Reality Testing with Less Defensiveness

The summary provides a neutral foundation for difficult conversations.

Because the risks come from the party’s own assessment, the mediator can explore them without triggering resistance:

“Your outline notes uncertainty around documentation. How does that factor into your decision-making about continuing this dispute?”

This keeps the mediator out of the role of evaluator.

3. Identifying Areas of Overlap

When both sides flag similar risks—cost, delay, documentation gaps, business disruption—these become natural entry points for movement.

“This appears to be an area where both sides face similar downside risk. That may give us room to explore solutions that reduce those risks for everyone.”

4. Prioritizing Risks to Shape Settlement

Risk analysis helps the mediator see which concerns matter most to each party.

“What risks feel most important for you to avoid? And what terms might help you reduce those risks?”

This guides the negotiation toward solutions tied to actual needs.

5. Strengthening BATNA/WATNA Discussions

Risk summaries illuminate the fragility or uncertainty of alternatives.

“Given the procedural and evidentiary risks you identified, how confident are you that pursuing litigation provides a better outcome than resolving today?”

The focus becomes informed choice, not prediction.

6. Supporting Decision Quality

Mediators can frame the summaries as tools for better decisions, not pressure.

“My goal is to help you make high-quality decisions based on clear information. These risks—identified by you—give us a roadmap.”

This maintains neutrality and autonomy.

7. Normalizing Risk Assessment

Pointing to the summary affirms that examining vulnerabilities is a standard professional practice, especially when attorneys are present.

“Good lawyers evaluate both strengths and risks. This analysis helps us work through that same disciplined process.”

8. Generating and Evaluating Options

Each risk category can inspire targeted settlement elements:

- **Financial risks** → payment structures, service credits, release language
- **Operational risks** → transition plans, performance milestones
- **Procedural risks** → timelines, decision protocols, communication pathways
- **Evidentiary risks** → confidentiality terms, limited information exchange
- **Relationship risks** → non-disparagement, communication guidelines

Risk maps become a blueprint for solution-building.

9. Highlighting Complementary Interests

Placed side by side, summaries reveal shared priorities and constructive tension points:

- One party needs certainty.
- The other needs confidentiality.
- One party needs speed.
- The other needs documentation boundaries.

These overlap areas often form the backbone of durable agreements.

10. Transitioning from Insight to Negotiation

After reviewing risk summaries, the mediator can guide the parties into option development:

“Now that we have a clear understanding of the risks you’ve each identified, let’s explore what a resolution would look like if it protected you from your highest-impact concerns.”

Risk analysis becomes the bridge from evaluation to purposeful negotiation.

Key Takeaway

Risk analysis is not leverage.

It is clarity.

And clarity is often the catalyst that unlocks meaningful movement.