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VOLUNTARY MEDIATION CHECKLIST FOR ALL PARTICIPANTS

In order to assure that all participants are prepared for a meaningful and productive mediation, I request each attorney or participant answer the following questions. Please fax this questionnaire to me at the above number at least 3 days prior to the mediation date. If you have any difficulties with the answers, please feel free to call me to discuss. [Please feel free to provide answers on a separate attached sheet. If an insurance adjuster is involved, counsel represents that he/she has consulted with the adjuster in preparation of these responses.]

1. Are all of the decision making parties, including litigants, advisors and attorneys planning to attend the mediation?

Yes
No

2. If your answer is no, please identify the person with authority who cannot be present, and indicate whether this person will be available by phone.

3. What factual matters remain undetermined, unresolved or in dispute that you believe are necessary for a meaningful and productive mediation?

4. What effort has been made to obtain the information necessary to resolve the factual dispute?

5. Describe any legal issues which you believe are determinative of the outcome of this dispute at trial.

6. Have all of the relevant documents, including pleadings, financial declarations, disclosure statements, and tax returns, been provided to the mediator or will they be available at the mediation?

7. Are there any cultural or interpersonal conflicts which might affect the outcome of the negotiations during mediation? Please advise the mediator of these issues

8. Are the participants willing to spend the time necessary in the mediation process to resolve the dispute?

9. Will you prepare a written proposed settlement agreement - or template - which can be used as a basis for final agreement? [Please bring the proposal on a floppy disc in either Word or Word Perfect format so the mediator can assist in finalizing the agreement on his computer.]

10. Do you have any particular insight into the dispute that will help to resolve it which you will share with the mediator? If so, please share this with the mediator as soon as possible.

The undersigned believes in good faith that this case is prepared and ready for a meaningful exchange of information that will help lead to a resolution of the dispute at the time of mediation.

I have signed the separate Mediation Agreement on behalf of my client.

Dated: _____

Printed name:

Here are seven basic questions worth considering in preparation for mediation. These are matters I would like to discuss with you in private caucus.

What are the strengths of your case?

What are the weaknesses of your case?

What are the strengths of your opponent's case?

What are the weaknesses of your opponent's case?

What do you think the opposing side is willing to do at the end of the day?

What will happen if we fail to reach an agreement?

What do you regard as a fair settlement?

What do you consider would be a good outcome for this dispute?

How would things be different if the dispute is resolved?