



## **MWI EOTC Mediation Training**

Handout:

Mediation Checklist

## PRIOR TO MEDIATION

- ✓ Bring multiple copies of mediation forms (Agreement to Participate / Agreement for Judgment / Mediation Memorandum / ADR Referral Form)
- ✓ Meet with your co-mediator to discuss process, style and post mediation feedback (*meet 20 minutes in advance*)

## INITIAL JOINT SESSION

- ✓ Mediators' Introduction
- ✓ Ask who would like to begin? | Let other party know they will have equal time | Mediator 1 asks for Party A's perspective
- ✓ Party A speaks | Mediator 1 thanks Party B for waiting and summarizes Party A's interests
- ✓ Mediator 2 asks for Party B' perspective | Party B speaks | Mediator 2 thanks Party A for waiting and summarizes Party B's interests
- ✓ Mediator 1 asks each party what they hope to achieve in mediation | Listen and summarize

## MEDIATORS' BREAK — LESS THAN 5 MINUTES

- ✓ How are you doing? | How are we doing as a team? | What do we know about each party's interests? | What do we do next and why?

## PRIVATE SESSIONS (EARLY AND LATE)

- ✓ Meet with each party | Define added layer of confidentiality: contents of session can be kept private - mediators will ask at end what should be held in confidence
- ✓ Ask, listen and summarize interests | Inquire for options to meet interests
- ✓ Explore objective standards to generate/evaluate options
- ✓ Overcome barriers: ask to define BATMA | Reality-test positions | discuss positive impact of any agreement

## REACHING CLOSURE

- ✓ Welcome back | Identify progress and remaining challenges | Summarize common and individual interests
- ✓ Ask parties to define substantive and process commitments | Help parties fill in Agreement for Judgment and/or Mediation Memorandum | If no agreement: thank parties for trying mediation
- ✓ Fill in ADR Referral Form | Make copies for parties and MWI | Return file with original forms to court

## AFTER THE MEDIATION

- ✓ Debrief with your co-mediator | Return scanned copies of forms to MWI via email