



## MEDIATOR CHECKLIST

**INFORM** parties your opening will take a few minutes and ask them to relax until you are done.

**INTRODUCE** yourself and the parties. Use first names only if you have permission from the parties to do so. Introduce observers and explain their role.

**COMMEND** participants for using mediation.

**REMIND** participants that mediation is a voluntary process.

- Are the parties present voluntarily? Are there court orders?
- How were the parties referred?
- Are all parties required to reach agreement present?

**REMIND** participants that mediation is a CONFIDENTIAL process.

- Previously unreported abuse (child, elder, disabled, etc.) is an exception and must be reported.
- Mediators cannot be required to testify.
- All mediator notes will be destroyed.

**DESCRIBE** role of mediator.

- To be an impartial facilitator, not an advocate, attorney or judge.
- To assist parties in arriving at their own solutions.

**DESCRIBE** role of Parties.

- To mediate in good faith, be willing to listen, to share all pertinent information, to keep an open mind, be willing to negotiate without holding to a fixed position.
- To abide by rules of common courtesy, no interrupting or using inflammatory language.

**EXPLAIN** the process.

- Client opening statements and response period; emphasis on uninterrupted time.
- Developing an agenda/list of items to discuss.
- Negotiating *issues* and *interests* or concerns.
- Caucus (optional). Explain confidentiality and use.
- Settlement Agreement. Forms: Settlement is the parties' agreement and is legally binding. Settlement agreements are enforced by courts.

### **MEDIATION AGREEMENT [Form C]**

- Give a copy to each side. Read it aloud.
- Have all sign the original

### **DETERMINE PROPER PARTY TO BEGIN**