

Mediation Checklist

This document is intended as a training tool to facilitate the role-playing sessions at the peer-review workshops.

1. Prepare for Mediation



- Review issue

2. Make Contact



- Introduce yourself
- Confirm the case has been opened
- Explain neutrality
- STOP: Ask for questions or concerns: **LISTEN**
- Explain the mediation procedures
- Explain ground rules
 - Parties will talk through the mediator
 - Mediator will convey each party's positions, settlement offers, and concerns
 - Process is confidential
 - No lawyers in process
 - Expectation of compliance with agreement
 - Option if mediation is unsuccessful
- Define your role in this process
 - To understand the issues
 - To understand each party's positions
 - To understand each party's needs and interests
 - To facilitate agreement
- STOP: Ask for questions or concerns: **LISTEN**
- Request consent to move forward

3. Gather Information



- Request information on the problem
 - Ask what, when, how, who
- Restate the issue clearly & succinctly
- Ask if there is any other information
- Recap if needed
- Find out what each party hopes to achieve by the positions they take
 - Ask why the party feels that way
 - Ask why they think the other party feels that way
- Describe next steps and timeline

4. Identify Needs and Interests



- Determine the key issues for discussion
- Prioritize issues
- Translate each party's position into interests and needs
- Identify areas of mutual agreement to both parties

5. Facilitate Give and Take



- Recap issue to be negotiated
- Describe needs and interests from both perspectives
- Request party to articulate settlement options

6. Discuss Options



- Layout options under consideration
- Discuss how each option does and does not meet needs and interests
- Discuss alternatives to negotiated agreement
- Support each party in their decisions to give and take

7. Establish Agreement



- Identify workable/realistic option
- Identify for each party what the other is conceding
- Get verbal agreement for best option
- Explain the procedural steps to implement the terms of the agreement

8. Conclude Case



- Develop report