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