

LAW AND ALTERNATIVE DISPUTE RESOLUTION OFFICES OF
CHRISTOPHER J. WEBB, J. D., PLC
EMPHASIS IN ADR PRACTICE & PREVENTIVE LAW TRAINING

MEDIATION WORKSHEET
CONFIDENTIAL WORK PRODUCT

Court: Date: Type:	Case Caption & No:
Attendee(s):	For the Plaintiff(s):
	For the Defendant(s):
Nature of Appointment: (Circle One)	Court Private
Nature of Controversy:	
Amount in Controversy:	

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Opening Remarks
(By the Mediator):



INTRODUCTION

- APPOINTMENT BY THE COURT OR PRIVATE
- FIRM'S STANDARD ADR AGREEMENT TERMS
 - COURT OR PARTY-APPROVED FEE RATE
 - REIMBURSEMENT FOR EXPENSES
 - ALLOCATION BETWEEN THE PARTIES
- REVIEW OF MICHIGAN SUPREME COURT (SCAO) STANDARDS OF CONDUCT FOR MEDIATORS
 - NO CONFLICT OF INTEREST
 - NO BIAS FOR OR AGAINST A PARTY
- REQUIREMENT TO REPORT TO THE COURT WITH MEDIATION STATUS REPORT (IF APPLICABLE)
 - SETTLED OR NOT
 - IF NOT, FURTHER ADR OR NOT
 - NO OTHER INFORMATION IS DISCLOSED BY THE MEDIATOR TO THE COURT
- AGREEMENT WITH ABOVE BY THE PARTIES



MEDIATION PROCESS GENERALLY:

- MEDIATION PROCESS IS CONFIDENTIAL.
- MEDIATOR CANNOT BE CALLED AS A WITNESS.
- STATEMENT(S) MADE BY THE MEDIATOR OR THE PARTIES CANNOT BE USED IN LITIGATION.
- MEDIATOR WILL ASK QUESTIONS AND MAY TAKE NOTES.
- ANY NOTES OR WORK PAPERS ARE CONFIDENTIAL AND ARE NOT SUBJECT TO SUBPOENA.
- MEDIATION PROCESS IS VOLUNTARY MEDIATOR IS NOT A JUDGE OR ARBITRATOR.
- YOU DO NOT GIVE UP YOUR RIGHT TO GO TO TRIAL.
- MEDIATOR DOES NOT MAKE A DECISION BUT ATTEMPTS TO FACILITATE THE PARTIES.
- MEDIATOR DOES NOT GIVE LEGAL ADVICE.
- ANY MEDIATION AGREEMENT (MOU) IS LEGALLY BINDING AND ENFORCEABLE.



GROUND RULES OF THE MEDIATION:

- DO THE PARTIES HAVE AUTHORITY?
- PARTIES SHOULD BE CIVIL AND NOT INTERRUPT EACH OTHER.
- CELL PHONES SHOULD BE TURNED OFF.
- ONE-ON-ONE MEETINGS [CAUCUSES] WITH THE MEDIATOR WILL OCCUR BUT ARE CONFIDENTIAL.
- OPENING REMARKS START THE MEDIATION.
- AN AGENDA MAY BE CREATED REGARDING THE STRENGTHS OR WEAKNESSES OF EACH PARTY'S POSITION.
- OPTIONS MAY BE GENERATED FOR RESOLUTION OF THE CASE.

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<p>Opening Remarks</p> <p>Party Plaintiff(s):</p> <p>Represented by Counsel:</p> <p>Yes _____</p> <p>No _____</p> <p>Reframing by Mediator</p>	
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<p>Opening Remarks</p> <p>Party Defendant(s):</p> <p>Represented by Counsel:</p> <p>Yes _____ No _____</p> <p>Reframing by Mediator</p>	
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<p>AGENDA:</p> <p>TOOLBOX:</p> <ul style="list-style-type: none">• NEUTRALITY<ul style="list-style-type: none">○ POSITIONS○ INTERESTS○ NEEDS• OPTIONS• REALITY TESTING• RANGE OF VALUES• ITEMS OF AGREEMENT• SOLUTIONS	
<p>JOINT SESSION:</p>	

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**JOINT SESSION
(CONT.):**

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**CAUCUS (IF ANY)
PARTY
PLAINTIFF(S):**

- GROUND RULES OF CONFIDENTIALITY
- HOMEWORK FOR THE ABSENT PARTY
- STRENGTHS AND WEAKNESSES OF CASE
- RANGE OF VALUES FOR SETTLEMENT
- REMINDER OF NEUTRALITY

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**CAUCUS (IF ANY)
PARTY
DEFENDANT(S):**

- GROUND RULES OF CONFIDENTIALITY
- HOMEWORK FOR THE ABSENT PARTY
- STRENGTHS AND WEAKNESSES OF CASE
- RANGE OF VALUES FOR SETTLEMENT
- REMINDER OF NEUTRALITY

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**RETURN TO JOINT
SESSION:**

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AGREEMENT:	<input data-bbox="634 359 737 447" type="checkbox"/> YES <input data-bbox="634 480 737 569" type="checkbox"/> NO
AGREEMENT TERMS (IF APPLICABLE):	

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AGREEMENT TERMS (CONTINUED):	
DURATION:	OTHER:
FEE:	EXPENSES (IF ANY):