

CO-MEDIATION CHECKLIST

General Questions

- Experience
- Topical expertise
- Communication Style
- Mediation Style (directive, transformative, facilitative)
- Biases
- How can you support your co-mediator and visa versa
- Strengths / weaknesses
- Anything you want to work on
- Use of caucus
 - What if you want it and co-mediator doesn't
 - Can parties call for a caucus
- Comfort with client emotion
- How important is it to be equally vocal
- Intervention strategies
- How can you let one another know if things don't feel like they are going well
 - Pre-determined signal
 - Call mediator caucus
- Reading the file
- Time constraints
- Time keeping
 - Who will manage the time
 - How much time to set aside to write up agreements

Before the Mediation

- Physical Environment
 - Seating
 - Refreshments
 - Tissue
 - Papers / pens
 - Possible resources / paperwork
 - Temperature controls
 - White board/ flip chart/ appropriate pens

- Business end of things
 - Agreement to mediate (do you have copies for the parties)
 - Fee agreement
 - Payment (pay in advance?/who do parties give money to?)

- Greetings
 - Who will greet the parties and usher them into the mediation

Mediator Opening Statement

- How to divide it up
- How to address agreement to mediate
 - Read it aloud
 - Give a synopsis
- Signatures on Agreement to mediate
 - Who will be responsible for making copies
- Who will transition to parties opening statements – How

Parties Opening Statements

- Open ended or with boundaries
 - Tell whole story
 - Main points and summary of concerns
 - Identify what brought him/her to mediation and what is his/her goal for mediation.
- Time limit
- Uninterrupted time or can mediators interrupt to ask clarifying questions
- Who goes first
- Who reframes/reflects first
- Will there be an opportunity for a second round of statements
- Will you reflect/ reframe the second round
- How to handle documents / evidence

Agenda

- Who will transition – How
- Who will take lead
- Written / Informal
- Who will act as scribe
- Prioritizing issues (mediator or client)

Discussing / Brainstorming Issues

- Who will transition - how
- Philosophy: Brainstorm one issue at a time / go organic
- Comfort with reality checking
- Mediator participation in brainstorming or negotiation

Agreements

- How will you track agreements (in your notes, on the board, etc.)
- Who will write up agreements
- Role of mediator (Scribe only, help construct the agreements)
- Who makes copies

Wrapping Up

- Who will keep any work product needed for future sessions
- Who will complete any office paperwork
- Who will clean up after mediation
- Debrief
 - Agreement on time allotted
 - Agreement on focus