

Case # _____



updated 2008

OBSERVER FORM

Observer _____ Date _____

Mediators _____

of observations completed 1 2 3 4 5 6

Planning and Entry:

Did the mediators brief you on your role? What were their instructions?

Were there any unusual circumstances that the mediators had to deal with before the mediation began? What were the circumstances and how did the mediators manage them?

Opening Statement:

Did the mediators include all of the elements of the Mediator Opening Statement? If there were omissions, what were they? What, if any, language did they use that you liked well enough to incorporate into your own opening statement?

Did the mediators face any unusual challenges during the opening statement phase? How did they handle those challenges?

Client Initial Statements:

What were the issues raised by each client?

Client 1

Client 2

Client 3

(Client Initial Statements, cont.)

Client 4

Client 5

Client 6

Others:

Were there any unusual dynamics that surfaced during the initial statements? What were they and how did the mediators address the dynamics?

Were the mediators able to accurately restate the client's initial statements? Please comment:

Agenda building:

Was the agenda language neutral, inclusive and accurate? What words, if any, would have made it more neutral and accurate?

What did the mediators do to build the agenda?

How did mediators overcome obstacles in the agenda building phase?

Negotiation:

Did the mediators use active listening techniques to capture strong emotion (reflecting) and interests (reframing)? When, if ever, would it have been useful to use additional active listening skills?

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Describe a specific moment when the mediators used an active listening skill and its impact on the parties.

In addition to, and including active listening, what did the mediators do to build rapport with the participants? How did building rapport move the mediation forward? How did it affect the relationship between the parties? Is there any thing else you would have done to build rapport?

What open-ended questions did the mediators ask that helped the negotiations move forward?

What common ground statements did the mediators make to summarize progress?

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Describe a roadblock and the mediator intervention that helped to move the negotiations forward.

What, if anything, did the mediators do to create opportunities for turning points in the mediation?

Were there missed opportunities? What were they?

Caucus:

What, if any, new information came out in caucus? How did the mediators elicit new information?

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Did the mediators use the caucus to build rapport with the parties? How did they do that?
What effect did that have on the mediation?

What, if any, potential options surfaced in caucus? How did the mediators surface those options?

What, if any, reality testing did the mediators do in caucus? What questions did they ask?

What did the mediator do to prepare people to return from caucus?

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What homework did the mediator give the parties while they were waiting? Was the homework useful in moving the mediation towards settlement?

Agreement-making and settlement:

What was the level of involvement of the mediators in the crafting of agreements?

What did the mediators do to help articulate potential elements of agreement? Use a specific example.

How did the mediators help the parties move from conceptual agreements to specific language?

Were there any unusual circumstances during the agreement writing stage of the mediation? How did the mediator handle those circumstances?

In General:

Did the mediators demonstrate neutrality? What, if any, moments during the mediation may have compromised the parties' sense of the impartiality of the process?

Was the co-mediation team balanced? How did they capitalize on each other's strengths? How did the co-mediators invite each other's participation and insights? What could they have done differently?

Were race or cultural issues at play in the mediation? What did the mediators do to address these issues?

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What techniques or strategies did the mediators use that you think will be helpful to you in future mediations?

What would you have done differently?

What was your most valuable learning in this mediation?