

WILLIAMS & WILLIAMS MEDIATION CONFIDENTIAL QUESTIONNAIRE

May be submitted with the brief or at any time prior to the scheduled mediation.

CASE NAME: _____ **Mediation Date:** _____

Attorney's Name: _____

MEDIATOR'S ROLE:

- 1. As your mediator, do you want me to:
 - a. Provide an evaluation of liability, value, party positions and exposures? YES NO
 - b. Act as a neutral facilitator of communication to let parties reach their own resolution? YES NO
 - c. Do you give me permission to continue mediation efforts by separate phone calls, emails, and correspondence after the scheduled mediation takes place? YES NO

MEDIATION PROCESS:

Typically, I *do not conduct an all-party opening session* and the parties occupy separate rooms. I schedule the parties to arrive at separate intervals to allow each attorney and me to discuss the briefs, the legal issues, and negotiation history, and then, to meet the client(s).

- 1. Do you want me to conduct my usual process of *separate sessions* in which I convey changes of positions, offers and demands between the parties? YES NO Or,
 - a. Do you prefer the parties to exchange all offers/demands face-to-face? YES NO
 - b. Do you think it necessary to conduct an all-party, opening session? YES NO
- 2. Do you want the plaintiff(s) to make a brief presentation
 - a. On current injury status, present complaints, and future problems? Other (explain) _____ YES NO

FACTORS AFFECTING DISPOSITION:

- 1. Will your client accept any recommendations you may make during the mediation [Do you have "client control"]? YES NO
- 2. Do you want me to play any role in talking to the client? YES NO
- 3. Negotiation History:
 Original Demand: _____ Original Offer: _____
 Current Demand: _____ Current Offer: _____
- 4. Prior to the mediation, will you have met with your client(s) to fully discuss with them:
 - a. The pre-mediation offers and demands? YES NO
 - b. The range of settlement values of the case, including:
 - (1) The most desirable/optimum settlement figure? YES NO
 - (2) The realistic or likely figure settlement figure? YES NO
 - (3) The displeasing, but acceptable settlement figure? YES NO
- 5. Is a structured settlement a possible component of the settlement? YES NO
- 6. Does your case have any Liens? If so, state from whom and the current amount of each: _____
- 7. Are there any Motions on contemplated, on file and/or scheduled? YES NO
 What: _____ Date: _____

