

Sample: Multi-Door Pre-Mediation Phone Call Questions*

(Subsequent to your pre-mediation call with parties, contact the assigned case manager to relay important information necessary to the scheduling of mediation.)

GENERAL INFORMATION

- Confirm attorney responsibilities:
 - ✓ Timely completion of discovery
 - ✓ Timely submission of Confidential Settlement Statement
 - ✓ Clients will be present or excused by Judge
 - ✓ Parties with settlement authority will be present or excused by Judge

BACKGROUND AND STATUS

- What is the dispute about?
- What is the status of the case?
- Any previous settlement discussions?
- What do the parties want out of mediation? How can I help the parties get there?
- Are there issues between the parties beyond those presented in this case?
- Tell me a little about your client?
- What are your client's settlement expectations?
- Will additional time beyond the scheduled 2 hour mediation time block be needed to settle this case?

INFORMATION EXCHANGE

- What is the status of discovery?
- What is the status of motions?
- Next status conference?

MEDIATION CONSIDERATIONS

- Are there any areas of agreement?
- What are the primary areas of disagreement?
- What are the personality issues?
- Have you discussed the mediation process with your client?
- Does any party have an expectation for an apology as part of/for leading to a settlement?
- Are there any personal concerns that make settlement imperative, such as an ongoing business relationship, relocating, etc.?
- Are there any persons who should attend? Any who should not?
- Will any non-party (friend or relative) essential to the resolution of the case attend the mediation? Only named parties should attend unless agreed to prior to mediation by all parties.
- Confirm that those with settlement authority will attend.
- If there are corporate decision makers or others who must be consulted, confirm their availability by phone during the entire session.
- Does any lawyer or client participant have time constraints on the day of mediation?
- Are there any liens on the case that need to be negotiated in order for the case to settle?

CONFIRM SCHEDULED MEDIATION

- Location, date and time of mediation.
- Any need for services that support disabled parties?
- Are there any other documents mediator needs to see?

* These questions should be considered guidance rather than a mandatory checklist. Some are relevant to all cases. Others will depend on the comprehensiveness of the CSS, the facts of the case, and the attorney (or pro se party) you are talking to. Pro se parties may also require explanation of the whole mediation process.