

**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: \_\_\_\_\_

