

MEDIATION PREPARATION CHECKLIST

Planning the Mediation

- ☐ Read, understand, sign and return the mediation agreement and confidentiality agreement.
- ☐ Confirm the date, time and location (or video conferencing details).
- ☐ Agree a timetable for exchanging any documents, and whether these are to be kept confidential and legally privileged.
- ☐ Ensure all necessary decision-makers will attend the mediation, and that anyone attending on behalf of a company, trust or organisation has authority to negotiate and settle.
- ☐ Arrange for legal advisers, experts, other advisers or a support person to attend if appropriate, and have them sign the confidentiality agreement.
- ☐ Confirm attendees with the mediator and the other party.

Understand Your Position

- ☐ Prepare a brief summary of the dispute and the key events.
- ☐ Identify the main issues you want resolved.
- ☐ Consider your desired outcome, and any alternative outcomes you may be willing to accept.
- ☐ Consider the strengths and weaknesses of your position.
- ☐ Consider the likely cost, delay and risks of continuing the dispute if settlement is not reached.

Gather Information and Documents

- ☐ Compile a bundle of relevant documents in a logical order. Include any key agreements, contracts, correspondence, invoices, reports, photographs, statements or other relevant material.
- ☐ Provide the documents according to the timetable, well before the mediation date.
- ☐ Close to the mediation date, review your documents, and the other party's documents, so that you are familiar with these and can easily locate important information.

Consider Settlement Options

- ☐ Identify what matters are most important to you.
- ☐ Decide which issues are negotiable and which are not (but keep an open mind).
- ☐ Consider practical solutions that may address the underlying concerns of both parties.
- ☐ In case a single outcome isn't achievable, consider whether there is a process that might be agreed to manage the dispute, even if it is not entirely resolved.
- ☐ Prepare a list of settlement options you would be willing to discuss.

Practical Preparation

- ☐ Set aside more time than you think you'll need, as mediations often take longer than expected.
- ☐ Arrange time away from work or other commitments.
- ☐ Ensure you will not be interrupted by calls, meetings or appointments during the mediation.
- ☐ Bring pens and plenty of paper (or a device for notetaking), a calculator, and any device chargers.
- ☐ Bring copies of your bundle of documents, and the other party's bundle of documents.
- ☐ Make arrangements for meals, travel and parking.