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VOLUNTARY MEDIATION CHECKLIST FOR ALL PARTICIPANTS

In order to assure that all participants are prepared for a meaningful and productive mediation, I request each attorney or participant answer the following questions. Please fax this questionnaire to me at the above number at least 7 days prior to the mediation date. If you have any difficulties with the answers, please feel free to call me to discuss. [Please feel free to provide answers on a separate attached sheet. If an insurance adjuster is involved, counsel represents that he/she has consulted with the adjuster in preparation of these responses.]

1. Are all of the decision making parties, including litigants, executives, attorneys and adjusters, planning to attend the mediation?

Yes
No

2. If your answer is no, please identify the person with authority who cannot be present, and indicate whether this person will be available by phone.

3. Have all of the litigants been advised about the mediation procedures, specifically, whether they are permitted to discuss matters relating to the case with the mediator either in joint session or privately in caucus?

4. Will you provide the mediator with all of the financial information you believe is material and relevant to resolving this matter in advance of the mediation?

5. Have the factual matters necessary for a meaningful and productive mediation and for a fair resolution of the dispute been fully ascertained by each of the parties?

6. If not, what factual matters remain undetermined, unresolved or in dispute?

7. What effort has been made to obtain the information necessary to resolve the factual dispute?

8. Does any party intend to take further steps to obtain this information before the mediation either informally or through discovery?

9. What legal issues remain unresolved?

10. Are there any legal issues which you believe are determinative of the outcome of this dispute at trial?

11. Do you intend to submit a brief to the mediator prior to the hearing? Can the brief be shared with the other parties?

12. Have all of the relevant documents, including pleadings, been provided to the mediator or will they be available at the mediation?

13. Are there any cultural or interpersonal conflicts which might affect the outcome of the negotiations during mediation? Please advise the mediator of these issues

14. Does each participant have a commitment to keep an open mind to consider all the information exchanged at the mediation?

15. Are the participants willing to spend the time necessary in the mediation process to resolve the dispute?

16. Will you prepare a written proposed settlement agreement - or template - which can be used as a basis for final agreement? [Please bring the proposal on a floppy disc in either Word or Word Perfect format so the mediator can assist in finalizing the agreement on his computer.]

17. Do you have any unique or particular insight into the dispute that will help resolve the dispute which you will share with the mediator? If so, please share this with the mediator as soon as possible.

The undersigned believes in good faith that this case has been fully prepared and is ready for a meaningful exchange of information that will help lead to a resolution of the dispute at the time of mediation.

I have signed the separate Mediation Agreement on behalf of my client.

Dated: _____

(Signature)

Printed name