



## Planning your Mediation - Preparation Questions

These questions are designed to help you develop a plan for Dispute Resolution. By answering these questions, you will have a better understanding of how Mediation will work and what you want to achieve during negotiations.

1. In your own words, describe the dispute. If you're the party seeking damages, what are those damages? If you're the party the damages are being brought against, describe what you think are the damages being sought.
2. Does the other side also have damages? Describe what they are or what they are alleging them to be.
3. Mediation does not factor in evidence. While you may have strong evidence to support your side of the story, consider what you would be willing to settle this case to avoid time off work, court costs, future collections actions, etc. *Note: any evidence submitted for mediation or negotiation purposes will not be considered at the hearing unless properly submitted through the Clerk of Courts.*
4. Now, focusing just on what can make this dispute go away, not who is to blame or whether the action is justified, what do you think could be a fair or reasonable resolution?

Write initial offer and why:

5. Was it accepted? If yes, time to write up your settlement terms. Settlement should include:
  - a. What the amount of the settlement is: \_\_\_\_\_
  - b. How it is being paid \_\_\_\_\_
  - c. When it is being paid \_\_\_\_\_
  - d. What I am required to do as a result of the settlement, if anything (for example, dismiss the case, send a paid in full letter, etc.) \_\_\_\_\_
  - e. What happens if the settlement is not paid: \_\_\_\_\_
6. If the offer was not accepted, what the reason it was refused and what is your counteroffer and why? Repeat the offer and counteroffer steps, until settlement is reached or if the parties cannot reach settlement, negotiations are concluded.