

11 Point Preparation for Mediation

Item	Notes
1. Are there any intervention orders or AVO's in place preventing the parties being in close physical proximity to each other?
2. Will the people who have ultimate authority to settle the matter be present? If not, what arrangements have been put in place?
3. Are there any time constraints on the parties, or the legal representatives?
4.1 What does the client need to achieve at mediation? 4.2 What is desirable? 4.3 What are they not concerned about?
5.1 What are your costs up to and including mediation? 5.2 What do you estimate are your costs up to and including trial?
6.1 What do you estimate are the other side's costs up to and including mediation? 6.2 What do you estimate are the other side's costs up to and including trial?
7. What are the key strengths and weaknesses of your case? Be realistic.
8. What are the key strengths and weaknesses of the other side's case? Be realistic.
9.1 What do you estimate your likelihood (%) of winning at trial? 9.2 What do you estimate the other side's likelihood (%) of winning at trial?
10. Are there any minors or persons under a legal disability who would be affected by a settlement? Will any settlement need to be conditional upon Court approval?
11. Have any offers been made prior to mediation?