

## **Essential Preparation in 10 Steps**

To ensure that you maximise your chances of reaching an agreement through mediation, you will need to have considered the strengths and weaknesses of your case as well as the likelihood of you achieving the outcome(s) you are hoping for.

This document is intended to assist your preparations for a mediation session. We recommend that you read our 'Preparing for Mediation' leaflet before using this form.

### **1. Know your Case - What is your dispute about?**

**2. List the key issues of your dispute**

Issue	Why is it important

**3. What do you think the other parties issues are and why are they important to them?**

Other party's issues	Why do they think it is important

**4. What would be an acceptable outcome(s) for you?**

**5. What do you think the other party(s) might want?**

6. **Understand your legal position** – is there any law or legislation that affects your dispute and the outcomes you are looking for? Detail your legal position:

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7. **Think about your preferences for settling the dispute.** Write down the issues and then write down the options you can think of to resolve the issue. Talk your ideas through with someone you trust as they might have a different option.

Issue	Possible solution


**8. Now read through your list of options again and think about the following:**

- a) Is this option possible? Can it be done?
- b) Could the other party(s) agree to this? Does the other party want to? Is there any legislation/law that would stop them?
- c) Are you likely to get what you want if you go to a court/tribunal hearing taking into consideration any law/legislation?
- d) Can you make an offer to the other side that costs you little and they might value highly and vice versa?

Issue	Options	Comments

**9. Understand and recognise your emotions for each issue so that you can plan how to deal with them on the mediation day. Think about:**

- Your language i.e. tone, volume;
- Speaking calmly and positively and avoiding accusatory language. For example instead of saying 'you have not listened to me' you could say 'I do not feel that you have listened to me';
- Your body language and how to present on the day;
- Whether you need a support person;
- Whether you will need additional breaks

**10. List any documentation that you intend to take with you to the mediation or have already circulated. Consider whether there are any that you would like to remain confidential and only share with the mediator initially? You may find it helpful to put them in date order.**

Date	Type of Report	Name of Author