

## HOW TO PREPARE FOR MEDIATION

This is a private worksheet that will help you organize your thoughts and get the information you need to make good decisions.

1. **If you are afraid to be with the other party or won't be able to speak up or disagree with him/her in mediation, tell your attorney and your mediator. Mediation may not be appropriate in your case.**
2. **Make a list of all the issues you would like to discuss or decide in mediation.**
  - A. Include any concerns, large and small. Leave an inch between each item, where you will answer the following questions:
    - 1) **What is important about this (from your point of view)?**
    - 2) **What do you want the other person to understand about this (from your point of view)?**
    - 3) **What are your concerns about this? What are you worried about?**
    - 4) **What is the range of acceptable ways to deal with this that I can think of right now?**
  - B. **Making this list and answering these questions can be useful:**
    - 1) It can help you clarify what's important to you and why.
    - 2) In mediation, it is helpful to start by focusing on what's important to you – not the final decision you think you want. Answering these questions will help you do that.
    - 3) If you tell the other party your answers to these questions, it is easier for them to listen to you than if you say "I want this because you are ... (so irresponsible, such a jerk, etc.)"
3. **Consult with your attorney, if you have one, about your list.**

**You can hire an attorney to represent and advise you in your case. It is also possible to hire an attorney for a limited purpose: to help prepare you for mediation by helping you understand the legal aspects of your situation. Find who offers this at <https://mediateiowa.org/list-of-mediators/>**

  - A. **Ask your attorney what additional issues you need to discuss and add those to your list.** (Your attorney can tell you if there are additional issues that need to be decided in cases like yours. If you know about them, you can work on them in mediation and try to make your own decisions on them.)
  - B. **Then, for each issue on your list, ask your attorney:**
    - 1) **Are there any legal, financial, or other long-term ramifications of this issue?** Legally, some issues are related to others, and you need to know about them.
    - 2) **What is the range of what the court might decide and why?** If you can't decide on the issues, the court will. It is useful to know the range of what might happen if you two can't make the decisions.
  - C. **Also ask your attorney:**
    - 1) **If we go to court, how soon will we be able to go to court and about how much will it cost?** This helps you understand your options.
    - 2) **Can you suggest a range of possible solutions?** Add these to your own list.
4. **Another way to prepare: One of the first things you will do when we meet will be to talk together and make ground rules for your mediation. Think of any behaviors that would help you be able to say what you want to say or help you listen to the other person. (For example, listening to each other, being respectful, etc.) Or think of behaviors that would upset one or both of you and derail your conversation about issues and get you fighting about that behavior or simply shut down communication. (For example, put downs, making fun of the other, talking disrespectfully.) We want behaviors that will help you stay on track in working together, not behaviors that will derail you completely. It will only be a ground rule if you both agree to it.**

5. **Be sure you understand and have copies of any other information you may want to discuss in mediation.** You can bring your notes and any work sheets, correspondence, or any documents you think might be useful.
6. **You already understand the personal aspects of your situation. It can be very useful to understand the legal aspects of your case as well. To use your time and money effectively in mediation, it's best to talk with your attorney before mediation, so you are fully informed as you talk and make decisions in mediation. Your attorney can be an important resource and can attend mediation with you.**

**It is important to know as much as possible about your options  
so you can make the best informed decisions in your situation.**

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