

RSI/ABA MODEL MEDIATION SURVEYS

MODEL MEDIATOR SURVEY

INTRODUCTION

The post-mediation survey of mediators is designed to gather information about the mediation that should *not* be submitted to the court. This is your program's chance to find out who is using the program and the characteristics of the mediations going through your program, which can help you to fine-tune your program to fit the needs of the parties and the court. For example, if you're finding that most cases are being mediated close to the trial date, you may want to educate judges and attorneys about the benefits of earlier mediation.

Here's what follows:

- [Background information on the survey](#)
- [Advice on using the survey](#)
- [The survey with commentary](#)
- [A survey without commentary](#)

INFORMATION THE SURVEY PROVIDES

The survey will provide you with information that can help you to understand how the program is being used, who is using it and some of the internal characteristics of the cases and parties are present at mediation.

The status of the case at the time of the mediation

How far along was the case? Were there any motions pending? These types of questions help you to understand the posture of cases in mediation and, when combined with other information, whether the cases are mediating at the most effective and efficient time.

The characteristics of the case at the time of the mediation

Was enough discovery completed? Were the legal issues complex? Was there major disagreement about liability or about damages? The responses to these questions can lead to a better understanding of what characteristics exist in the cases being mediated, which can help in determining whether the program should be tailored to address particular issues.

The characteristics of the parties at the time of the mediation

Did someone from each side have settlement authority? Was there a large power imbalance? Were the parties hostile to one another? The responses to these questions can be used to determine whether the program needs to address any issues. For example, if someone with settlement authority does not attend in a large number of mediations, the program may want to take steps to ensure that this is not an issue in the future.

Who attended the mediation

Were attorneys for one or both parties present? Were the parties individuals or corporate entities? The responses to these questions can provide a sense of who is participating in mediation, which can be used to decide whether the program should be modified to better serve those using it. For example, are additional services needed to help self-represented litigants? It also could be used later to connect some of this information to the probability of settlement and the parties' sense of procedural justice.

The number of people served by the program

This is different from how many cases are going through the program and focuses on the individuals served. The idea is that with each case, more than one person is gaining the benefits of the program. It's generally used for getting a better understanding of the reach of the program. It can also be used for justifying the program to funders.

Whether mediations are resulting in resolutions not available in court

This provides information on whether mediation is adding value beyond just reaching settlement. Research suggests that parties are interested in resolving non-monetary issues.

TIPS ON USING THE SURVEY

ADAPTING THE FORM FOR YOUR PROGRAM

The Committee carefully crafted wording and the response options for each question, then tested them in the field. For this reason, the Committee recommends that you use the questions as written as much as possible. See the [instructions for modifying participant questionnaires](#) if you would like to make some modifications to the forms.

WHEN TO HAVE THE MEDIATORS COMPLETE THE FORM

Mediators should be required to complete their forms soon after the mediation session so that they don't forget what happened in mediation. Most courts require the report be completed within a week. There are a few options for how mediators can complete the form.

Online

In this model, the mediators complete the form online.

- **Pros:** Mediators will not be rushed to complete the form. The application automatically records all responses and provides simple statistical analysis. It may be low cost, depending on the application used to administer the survey.
- **Cons:** Requires follow-up to ensure that the mediator completes the survey. Mediators may forget some details if they don't complete it right away.
- **How to administer:** Send the mediator an email right after the mediation that contains a link to the online form. Send a reminder email a few days later.

Right after the mediation session, on paper

In this model, which is for mediations conducted on site, the mediators complete the survey just after the mediation ends.

- **Pros:** If Optical Mark Recognition (OMR) software is used to read the survey responses into a database, the software will automatically record all responses and provide statistical analysis, which can be more powerful than online survey programs.
- **Cons:** You will either need to have someone enter the responses into a database or have to buy OMR software.
- **How to administer:** Give the mediators the survey prior to the mediation, and request that they complete it before leaving.

After the mediation, by mail

In this model, the mediators complete the survey on paper and return it by mail. This model is used for off-site mediations.

- **Pros:** Mediators will not be rushed to complete the form. If Optical Mark Recognition (OMR) software is used to read the survey responses into a database, the software will automatically record all responses and provide statistical analysis, which can be more powerful than online survey programs.
- **Cons:** Mediators may forget to complete the survey. They may also forget some details if they don't complete it right away.
- **How to administer:** Ensure that the mediators have an empty survey that they can print and complete. Remind mediators of the requirement to complete the survey and the deadline for doing so.

MODEL MEDIATOR SURVEY (with commentary)

CORE QUESTIONS FOR ALL PROGRAMS

To help us to maintain the quality of the mediation program, please answer all of the questions below. Your responses will be kept confidential and will be used to evaluate our services. No identifying information about you will be released.

Always start by letting the people responding to the survey know why they're being asked to do so and what will be done with their responses. It's also important to let them know that their responses will be confidential.

| | |
|--|-------------------------|
| Case Name: | Case Number: |
| Mediator Name: | Referring Judge: |
| <p>The above information is included in order to match up the mediator survey with participant surveys and the mediator report, if you have access to it.</p> <ul style="list-style-type: none"> • Use ALL the questions above if you do not have access to the mediator report. • If you have access to the mediator report, you don't need Court Name or Referring Judge. • If you are using a case management system for the mediation program, you may only need Case Name, Case Number and Date of Mediation. Both are included so that if the case number is inaccurate, the case can still be found by case name. Sometimes, as well, the mediator only knows the case name. | |

Note the little numbers next to the check boxes in the questions below. While these aren't necessary, they are included for ease of data entry and analysis. If each response is given a number, that number can be used for the response option, making it easier to enter if doing so by hand, and it can be easier to analyze with numbered responses rather than text.

| |
|--|
| 1. The mediation ended in: |
| <input type="checkbox"/> 1 Full settlement – all issues for all parties have been settled, and a written agreement has been signed. <input type="checkbox"/> 2 Partial settlement – some issues have been settled, or all issues for some parties have been settled, and a written agreement has been signed <input type="checkbox"/> 3 Provisional settlement – agreement is pending a signature, consent or provision of additional information <input type="checkbox"/> 4 No settlement |
| <p>Use this question if there is no way to match up the mediator report to the mediator survey, and therefore you don't know what the outcome of the mediation was. If you have access to mediator reports, you may omit this question.</p> <p>The term “settlement” is used instead of “agreement” because “agreement” can be interpreted in different ways. Experience has shown that when the term “agreement” is used, respondents don't always answer the same way for the same case.</p> <p>The options reflect the complexity of what resolution looks like in civil cases. Often only some issues have been settled. And often the parties leave with an agreement that depends on getting authorization or information that wasn't available at the time of mediation. These options were tested with mediators and lawyers in the field and were understood correctly.</p> |

2. If full or partial settlement was reached, what did the settlement include? (check all that apply)

- A. Monetary provisions
- ₁ Payment in one lump sum
- ₂ Payment schedule
- ₃ Provision(s) not involving payment, such as forgiveness of debt
- B. Non-monetary provisions, other than a release

This question lets you know how many cases include provisions that would not be available in court, which adds to the value of mediation. The options under “monetary provisions” were added in response to feedback from respondents who wondered whether the development of a schedule for payment and forgiveness of debt were non-monetary provisions.

3. To the best of your knowledge, which of the following were true at the time of the mediation?

Please check all that apply

Things about the case

- A. Additional discovery was needed
- B. A question of law needed to be determined
- C. A question of fact needed to be determined
- D. There was a serious disagreement about the value of the case
- E. Liability was at issue in the case
- F. The legal issues in the case were highly complex

Things about the mediation

- G. The time scheduled for mediation was too short
- H. Mediation occurred too soon in the life of the case
- I. Mediation occurred too late in the life of the case
- J. The case required a mediator with a different skill set

Things about the participants

- K. Someone central to the case did not attend the mediation
- L. One or more participants did not have authority to settle
- M. There was a high level of anger/hostility in the relationship between the parties
- N. There was a large power imbalance between the parties

These multi-part questions are included in order to understand more about:

- The characteristics of the cases that are being mediated
- The characteristics of the parties
- The mediator’s perception of particular factors that might affect settlement

This information not only gives programs more information about cases being mediated, but can be used in an evaluation to determine if any of the factors impede settlement.

Note that mediators answer these questions no matter what the outcome was. This replaces an often-used question: “If you didn’t reach settlement in mediation, what do you think was the reason?”. The current formulation allows programs to determine whether a characteristic that is thought to impede settlement, in fact, does not. That is, if mediators check off particular characteristics in settled cases, this is evidence that they don’t impede settlement.

| 4. The plaintiff(s) and defendant(s) were: (check all that apply) | | |
|--|---------------------------------------|---------------------------------------|
| | Plaintiff(s) | Defendant(s) |
| A. Individuals | <input type="checkbox"/> ₁ | <input type="checkbox"/> ₂ |
| B. Business entities | <input type="checkbox"/> ₁ | <input type="checkbox"/> ₂ |
| C. Government entities (including public educational institutions) | <input type="checkbox"/> ₁ | <input type="checkbox"/> ₂ |
| D. Nonprofit entities (including houses of worship) | <input type="checkbox"/> ₁ | <input type="checkbox"/> ₂ |
| E. Other: _____ | <input type="checkbox"/> ₁ | <input type="checkbox"/> ₂ |

This question helps you to understand who is being served by the program. It can also be used to see if certain types of parties are more likely to settle. In addition, it could identify possible sources of power imbalance and their impact on case outcomes. For example, what happens when an individual faces a governmental agency in mediation?

| 5. Please indicate the number of people who attended any of the mediation sessions either in person or by phone <u>not including people a party may have contacted outside the presence of the mediator</u>: | | | | | | | | |
|---|--|---|---|---|---|---|----|-----|
| | Check the appropriate box for each row | | | | | | | |
| | 0 | 1 | 2 | 3 | 4 | 5 | 6+ | N/A |
| A. Plaintiffs | | | | | | | | |
| B. Defendants | | | | | | | | |
| C. Attorneys for plaintiffs | | | | | | | | |
| D. Attorneys for defendants | | | | | | | | |
| E. Representatives for insurance carrier | | | | | | | | |
| F. Others (e.g. guardian ad litem, witness, experts, support person for a party) | | | | | | | | |

This question provides the following information:

- How many people are being served by the program
- How many people attend for each side
- Whether plaintiffs and defendants are both typically represented by counsel on both sides, one side or neither

This can be useful for deciding whether to provide additional services for unrepresented litigants, for example. It can also be helpful for understanding possible sources of power imbalance and their impact on case outcomes.

OPTIONAL QUESTIONS OR ALTERNATIVE WORDING

1. Who selected you for this case?

- ₁ The attorneys/parties ₂ The Court ₃ Don't know

This is a good question if you're interested in whether mediation outcomes are affected by whether the parties select the mediator or the Court appoints one.

If you use this question, it should be the first question after the case name, case number, mediator name and judge name.

2. Point in case at which mediation occurred: (check one in each column)

| | First session | Final or only session |
|----------------------------------|--------------------------|--------------------------|
| 1. Before case was filed | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Before discovery | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. During discovery | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. After discovery was completed | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Don't know | <input type="checkbox"/> | <input type="checkbox"/> |

This question is useful if you have a goal of promoting early mediation, or simply want to know when cases are going to mediation. If you promote early mediation, this question will help you determine whether you need to do anything differently to encourage parties to mediate sooner. For evaluations that look at causation, this will help to determine whether there is a correlation between the extent of discovery completed prior to mediation and mediation outcomes.

The question has been written with two columns with the idea that mediation of large civil cases can take place over a long period of time and that discovery often progresses over that time.

If you use this question, place it after the question "what did the settlement include?"

3. What was the status of any motion to dismiss or for summary judgment at the time of the *final* (or only) mediation session? (check all that apply)

| | Final or only session |
|---|--------------------------|
| 1. None had been filed | <input type="checkbox"/> |
| 2. Motion(s) pending | <input type="checkbox"/> |
| 3. Motion(s) granted in full or in part | <input type="checkbox"/> |
| 4. Motion(s) denied in full or in part | <input type="checkbox"/> |
| 5. Don't know/Not applicable | <input type="checkbox"/> |

Some preliminary research correlates the status of dispositive motions with the probability of settlement. Studies found that cases are less likely to settle when mediation occurs while a dispositive motion is pending. On the other hand, some mediators believe that the uncertainty of pending motions can be an incentive to settle. If you're interested in collecting data to help decide whether to refer cases when a motion is pending, use this question.

If you use this question, place it after the question "what did the settlement include?"

OPTIONAL LANGUAGE

4. To the best of your knowledge, which of the following were true at the time of the mediation?

Please check all that apply

Things about the case

- A. Additional discovery was needed
- B. A question of law needed to be determined
- C. A question of fact needed to be determined
- D. There was a serious disagreement about the value of the case
- E. Liability was at issue in the case
- F. The legal issues in the case were highly complex

Things about the mediation

- G. The time scheduled for mediation was too short
- H. Mediation occurred too soon in the life of the case
- I. Mediation occurred too late in the life of the case
- J. The case required a mediator with a different skill set

Things about the participants

- K. Someone central to the case did not attend the mediation
 Party Attorney Insurance Representative Other: _____
- L. One or more participants did not have authority to settle
 Party Attorney Insurance Representative Other: _____
- M. There was a high level of anger/hostility in the relationship between the parties
- N. There was a large power imbalance between the parties

This multi-part question is the same as the one in the initial section of questions for this report that all programs should use, with the exception of the addition of detail in K and L. The Committee doesn't recommend using this version of the question because of potential confidentiality and neutrality issues. For example, by collecting information about who did not have settlement authority, the program will put the mediators in the position of assessing whether parties had authority, which could result in the court wanting to pierce confidentiality and find out which parties came without authority. However, some Committee members noted that in some programs, particular party types (such as insurance representatives) consistently do not attend mediation or lack settlement authority, so a program might want to collect this information.

OPTIONAL FORMAT

4. To the best of your knowledge, were any of the following true at the time of the mediation?

Things about to the case

| | | |
|---|------------------------------|-----------------------------|
| A. Additional discovery was needed | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| B. A question of law needed to be determined | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| C. A question of fact needed to be determined | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| D. There was a serious disagreement about the value of the case | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| E. Liability was at issue in the case | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| F. The legal issues in the case were highly complex | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

Things about the mediation

| | | |
|--|------------------------------|-----------------------------|
| G. The time scheduled for mediation was too short | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| H. Mediation occurred too soon in the life of the case | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| I. Mediation occurred too late in the life of the case | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| J. The case required a mediator with a different skill set | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

Things about the participants

| | | |
|--|------------------------------|-----------------------------|
| K. Someone central to the case did not attend the mediation | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| L. One or more participants did not have authority to settle | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| M. There was a high level of anger/hostility in the relationship between the parties | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| N. There was a large power imbalance between the parties | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

This format was tested with mediators. The feedback from some was that it was too much work to fill out. Others said they liked that they had to respond to each question. This is the trade off to consider when deciding whether you want to replace the format of the original question with this one. You will be requiring the mediators to do more work, but you may get more thought out responses. You will also be sure that the blanks are due to the mediator not answering the question, rather than them believing none of the factors above were present.

5. Approximately what percent of time in the mediation (totaling 100%) was spent in:

1. Joint session (meet with more than one party together): _____
2. Caucus (meet with one party at a time): _____
- 100%

This question helps you to understand what mediations look like in your program. Use the question if your program has a special interest in mediators conducting joint sessions or following a particular mediation model. The question also can be used in evaluations to see if there is a correlation between the relative time spent in joint session and caucus and metrics such as participant satisfaction or settlement rate.

If you use this question, place it after the last core question.

6. Did the [program/court] provide you with enough information about the case before the mediation to mediate it effectively?

- ₁ Yes
- ₂ No → What information did you need? _____
- ₃ N/A

This question is for programs in which mediators are given information about the case prior to the mediation. This question can be used to find out if the program or court needs to be doing more to help mediators to mediate effectively. Select the option in the red text that best fits your program.

This question would go after the last core question, or after the above question if it is also being used.

7. Did the [parties/attorneys] provide you with enough information about the case before the mediation to mediate it effectively?

- ₁ Yes
- ₂ No → What information did you need? _____
- ₃ N/A

If your program requires parties to provide mediators particular information about the case prior to mediation, this question can test whether they are doing so and whether this is effective.

If the parties are supposed to provide the information (or if most of the parties are self-represented), use “parties.” Otherwise, use “attorney.”

This question would be the last question on the form.

FORECLOSURE CASES: REPLACEMENT OF “WHAT DID THE SETTLEMENT INCLUDE?”

4. If full or partial settlement was reached, what did the agreement involve?

- A. Retention of home
- ₁ Repayment/Reinstatement
 - ₂ Forbearance
 - ₃ Temporary change in terms
 - ₄ Refinance
 - ₅ Short payoff
 - ₆ Loan modification
 - ₇ Other: _____

- B. Relinquishment/Transition
- ₁ In rem foreclosure/Consent judgment
 - ₂ Short sale
 - ₃ Deed in lieu of foreclosure
 - ₄ Other: _____

**<INSERT PROGRAM NAME>
MODEL MEDIATOR SURVEY**

To help us to maintain the quality of the mediation program, please answer all of the questions below. Your responses will be kept confidential and will be used to evaluate our services. No identifying information about you will be released.

| | |
|-----------------------|-------------------------|
| Case Name: | Case Number: |
| Mediator Name: | Referring Judge: |

1. The mediation ended in:

- 1 Full settlement** – all issues for all parties have been settled, and a written agreement has been signed
- 2 Partial settlement** – some issues have been settled, or all issues for some parties have been settled, and a written agreement has been signed
- 3 Provisional settlement** – agreement is pending a signature, consent or provision of additional information
- 4 No settlement**

2. If full or partial settlement was reached, what did the settlement include? (check all that apply)

- A. Monetary provisions
 - ₁ Payment in one lump sum
 - ₂ Payment schedule
 - ₃ Provision(s) not involving payment, such as forgiveness of debt
- B. Non-monetary provisions, other than a release

3. To the best of your knowledge, which of the following were true at the time of the mediation?

Please check all that apply

Things about the case

- A. Additional discovery was needed
- B. A question of law needed to be determined
- C. A question of fact needed to be determined
- D. There was a serious disagreement about the value of the case
- E. Liability was at issue in the case
- F. The legal issues in the case were highly complex

Things about the mediation

- G. The time scheduled for mediation was too short
- H. Mediation occurred too soon in the life of the case
- I. Mediation occurred too late in the life of the case
- J. The case required a mediator with a different skill set

Things about the participants

- K. Someone central to the case did not attend the mediation
- L. One or more participants did not have authority to settle
- M. There was a high level of anger/hostility in the relationship between the parties
- N. There was a large power imbalance between the parties

| 4. The plaintiff(s) and defendant(s) were: (check all that apply) | | |
|--|--------------------------|--------------------------|
| | Plaintiff(s) | Defendant(s) |
| Individuals | <input type="checkbox"/> | <input type="checkbox"/> |
| Business entities | <input type="checkbox"/> | <input type="checkbox"/> |
| Government entities (including public educational institutions) | <input type="checkbox"/> | <input type="checkbox"/> |
| Nonprofit entities (including houses of worship) | <input type="checkbox"/> | <input type="checkbox"/> |
| Other: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

| 5. Please indicate the number of people who attended any of the mediation sessions either in person or by phone (not including people a party may have contacted outside the presence of the mediator): | | | | | | | | |
|--|--|---|---|---|---|---|----|-----|
| | Check the appropriate box for each row | | | | | | | |
| | 0 | 1 | 2 | 3 | 4 | 5 | 6+ | N/A |
| Plaintiffs | | | | | | | | |
| Defendants | | | | | | | | |
| Attorneys for plaintiffs | | | | | | | | |
| Attorneys for defendants | | | | | | | | |
| Representatives for insurance carrier | | | | | | | | |
| Others (e.g. guardian ad litem, witness, experts, support person for a party) | | | | | | | | |

**OPTIONAL QUESTIONS OR ALTERNATIVE WORDING
MODEL MEDIATOR SURVEY**

| | | |
|---|---|--|
| 1. Who selected you for this case? | | |
| <input type="checkbox"/> ₁ The attorneys/parties | <input type="checkbox"/> ₂ The Court | <input type="checkbox"/> ₃ Don't know |

| | |
|--|--------------------------|
| 2. What was the status of any motion to dismiss or for summary judgment at the time of the <i>final</i> (or only) mediation session? (check all that apply) | |
| | Final or only session |
| 1. None had been filed | <input type="checkbox"/> |
| 2. Motion(s) pending | <input type="checkbox"/> |
| 3. Motion(s) granted in full or in part | <input type="checkbox"/> |
| 4. Motion(s) denied in full or in part | <input type="checkbox"/> |
| 5. Don't know / not applicable | <input type="checkbox"/> |

| | | |
|---|--------------------------|--------------------------|
| 3. Point in case at which mediation occurred: (check one in each column) | | |
| | First session | Final or only session |
| 1. Before case was filed | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Before discovery | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. During discovery | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. After discovery was completed | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Don't know | <input type="checkbox"/> | <input type="checkbox"/> |

OPTIONAL LANGUAGE

A4. To the best of your knowledge, which of the following were true at the time of the mediation?

Please check all that apply

Things about the case

- A. Additional discovery was needed
- B. A question of law needed to be determined
- C. A question of fact needed to be determined
- D. There was a serious disagreement about the value of the case
- E. Liability was at issue in the case
- F. The legal issues in the case were highly complex

Things about the mediation

- G. The time scheduled for mediation was too short
- H. Mediation occurred too soon in the life of the case
- I. Mediation occurred too late in the life of the case
- J. The case required a mediator with a different skill set

Things about the participants

- K. Someone central to the case did not attend the mediation
 Party Attorney Insurance Representative Other: _____
- L. One or more participants did not have authority to settle.
 Party Attorney Insurance Representative Other: _____
- M. There was a high level of anger/hostility in the relationship between the parties
- N. There was a large power imbalance between the parties

OPTIONAL FORMAT

B4. To the best of your knowledge, were any of the following true at the time of the mediation?

| | | |
|--|------------------------------|-----------------------------|
| <i>Things about to the case</i> | | |
| A. Additional discovery was needed | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| B. A question of law needed to be determined | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| C. A question of fact needed to be determined | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| D. There was a serious disagreement about the value of the case | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| E. Liability was at issue in the case. | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| F. The legal issues in the case were highly complex | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| <i>Things about the mediation</i> | | |
| G. The time scheduled for mediation was too short | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| H. Mediation occurred too soon in the life of the case | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| I. Mediation occurred too late in the life of the case | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| J. The case required a mediator with a different skill set | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| <i>Things about the participants</i> | | |
| K. Someone central to the case did not attend the mediation | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| L. One or more participants did not have authority to settle | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| M. There was a high level of anger/hostility in the relationship between the parties | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| N. There was a large power imbalance between the parties | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

5. Approximately what percent of time in the mediation (totaling 100%) was spent in:

| |
|-------------------------|
| 1. Joint session: _____ |
| 2. Caucus: _____ |
| 100% |

6. Did the [program/court] provide you with enough information about the case before the mediation to mediate it effectively?

| |
|---|
| <input type="checkbox"/> ₁ Yes |
| <input type="checkbox"/> ₂ No → What information did you need? _____ |
| <input type="checkbox"/> ₃ N/A |

7. Did the [parties/attorneys] provide you with enough information about the case before the mediation to mediate it effectively?

| |
|---|
| <input type="checkbox"/> ₁ Yes |
| <input type="checkbox"/> ₂ No → What information did you need? _____ |
| <input type="checkbox"/> ₃ N/A |

FOR FORECLOSURE CASES

A8. If full or partial settlement was reached, what did the agreement involve?

A. Retention of home

- ₁ Repayment/Reinstatement
- ₂ Forbearance
- ₃ Temporary change in terms
- ₄ Refinance
- ₅ Short payoff
- ₆ Loan modification
- ₇ Other: _____

B. Relinquishment/Transition

- ₁ In rem foreclosure/Consent judgment
- ₂ Short sale
- ₃ Deed in lieu of foreclosure
- ₄ Other: _____