



Mediation Observation Form

Mediator observed _____

Observer _____ Date _____

The purpose of this form is to give you a place to take notes while you observe a mediator. Prompts are included to jog your thinking about mediator behaviors. Feel free to write outside the boxes, check off items, etc. Once the observation process is complete, you will hand this in to the office and they will destroy it. It will not be shared with the mediator.

Instructions to Observer

Use "Stages" to track what the mediator does at each step in the process. If something out of the ordinary happened, use page 4 to write about it. If you need more room for notes about the joint sessions or separate meetings, use pages 5-7.

STAGES

Welcoming	
Mediator establishes a safe, welcoming environment for all participants	

Mediator Orientation		M1
Mediator covers all necessary items and sets the tone for the mediation		
Introductions: self, co-mediator, participants	Confidentiality and exceptions to it: <ul style="list-style-type: none"> • New allegations of abuse/neglect • Threats - serious imminent harm • Mandated reporters • Agreement will go to court 	Reporting to court: <ul style="list-style-type: none"> • If agreement reached, terms will be reported to court • If no agreement, that fact will be reported to the court
Purpose of mediation		
Mediators' role		Disclose any relationships
Voluntariness		Sign Agreement to Mediate
Neutrality		Questions?



Keep the following in mind as you observe the mediation:

Functions effectively as co-mediator
Maintains safe setting
Generally understands subject matter of dispute
Able to work through mediation stages
Uses appropriate language, e.g., doesn't talk down to parties and isn't too erudite
Operates within ethical parameters, e.g.: <ul style="list-style-type: none">○ Self-determination○ Confidentiality○ Neutrality○ Voluntariness
Uses effective mediation techniques e.g.: <ul style="list-style-type: none">○ Listening○ Reflecting emotions○ Clarifying the agenda○ Reality testing

Joint Session – 1	M1
Mediator assists participants in surfacing issues that need to be discussed	

Identifying issues/Setting agenda	M1
Mediator assists participants in setting agenda for the mediation session	



Joint Session – 2	M1
Mediator assists parties in working on items on the agenda	

See last page for more space for joint session notes.

Caucus – 1	M1
Mediator explains purpose of caucus clearly to parties,	
Mediator calls for caucus at appropriate times	
Mediator reiterates confidentiality policy	
Mediator checks in with the party or parties to see how they are feeling	
Mediator is able to surface new issues that did not arise during joint session and/or further explore ideas that did	
Mediator is able to build rapport while maintaining neutrality	

See penultimate page for more space for separate meeting notes.

Reaching or not Reaching Agreement	M1
Mediator assists parties in deciding what they can agree on.	
Helps parties memorializes agreed points in a manner that is clear and represents the participants' intentions.	



Concluding Mediation	M1	M2
Mediator compliments participants, makes sure they know what happened in mediation (to extent possible), informs them of next steps and safely sends them on their way		

OCCASIONAL BUMPS IN THE ROAD

Every mediation is different and presents unique challenges. Use the space below to note how the mediator you are observing responded to any unusually difficult situations. Examples might include, emotional outbursts, lack of party capacity, or threats of violence.



MORE JOINT SESSION NOTES

Joint Session – #	M1	M2

Joint Session – #	M1	M2



Joint Session – #	M1	M2

Joint Session – #	M1	M2

MORE CAUCUS NOTES

Caucus – #	M1	M2



Caucus – #	M1	M2

Caucus – #	M1	M2

Caucus – #	M1	M2
