

Mediator **Guidebook**



Mediator Guide: Mediation Preparation Checklist – A Practical Pre-Session Guide for Neutrals

For mediators and neutrals handling civil, family, or
complex cases

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PowerHouse Mediation provides experienced, professional mediation services in civil, family, and complex matters, guiding parties through a structured and confidential resolution process.

PowerHouse Mediation Mediator Guide

Welcome to Mediation with PowerHouse

Mediation is a structured, confidential process that depends on preparation long before the mediation day begins. For mediators, effective preparation reduces avoidable delays, clarifies authority, and allows the session to focus on resolution rather than administration.

1. Purpose of this Guide

This guide is designed to support mediators in preparing for mediation sessions in a consistent, efficient, and professional manner. It does not address mediation philosophy, negotiation strategy, or communication theory. Instead, it focuses on the practical mechanics that occur before the mediation begins. The goal is simple: reduce preventable surprises and ensure the mediation process starts on solid footing.

2. How to Use this Checklist

This guide is intended to be used as a working document. Some mediators will review it as a refresher, while others will keep it accessible and reference it before each session.

The checklist follows the typical preparation sequence: file review, pre-session calls, authority confirmation, identification of information gaps, and day-of logistics. Not every item will apply in every case. Professional judgment should guide its use based on the scope and complexity of the matter.

3. File Review Checklist

Effective mediation begins with a clear understanding of the case materials provided. A thorough file review allows the mediator to identify the nature of the dispute, the procedural posture of the case, and any issues that may affect timing, authority, or resolution.

The goal of file review is not to master every detail, but to understand the framework of the dispute well enough to ask informed questions, flag missing information, and anticipate potential barriers before the mediation session begins. This review also informs how the mediator structures pre-session calls and day-of logistics.

Case Overview

- Parties and alignment
- Counsel of record
- Type of dispute and claims asserted
- Procedural posture (pre-suit, active litigation, post-discovery, post-ruling)
- Governing law or jurisdictional considerations

Key Documents

- Pleadings, demands, or position statements
- Contracts, policies, or operative agreements
- Court orders, rulings, or evaluations
- Expert reports or summaries, if applicable
- Mediation agreement or court order appointing the mediator

Damages, Exposure, and Financial Issues

- Claimed damages and categories
- Known settlement ranges or prior offers
- Insurance coverage information
- Allocation or contribution issues
- Liens, subrogation, or reimbursement claims

Procedural and Practical Flags

- Multiple parties with competing interests
- Incomplete or inconsistent submissions
- Late disclosures or missing summaries
- Authority or attendance concerns
- Time constraints or scheduling limitations



Practice Note

A concise, organized file review allows the mediator to focus mediation time on problem-solving rather than information gathering. Identifying gaps early helps counsel and parties arrive better prepared and reduces the likelihood of delays during the session.

4. *Pre-Session Calls*

Pre-session calls are an essential part of mediation preparation. These conversations allow the mediator to confirm logistics, clarify participation, and identify potential issues before the mediation day begins.

The purpose of pre-session calls is not advocacy or evaluation. They are not an opportunity to negotiate or preview settlement positions. They are administrative and preparatory in nature, designed to ensure that the mediation session starts with clarity and structure.

Scheduling and Format

- Confirm the mediation date and start time
- Verify anticipated length of the session
- Confirm time zones for all participants
- Determine format (in-person, virtual, or hybrid)
- Confirm location or video platform details

Participants and Roles

- Identify all participants for each party
- Confirm counsel, party representatives, and decision-makers
- Clarify whether insurers or corporate representatives will attend
- Address support persons or additional attendees
- Resolve any participation disputes in advance

Authority Discussions

- Confirm that full settlement authority will be present
- Identify any monetary limits or approval requirements
- Clarify who has final decision-making authority
- Determine whether authority holders will be available throughout the session

Logistics and Expectations

- Confirm confidentiality and non-recording expectations
- Discuss the anticipated structure of the day
- Clarify joint session and caucus preferences
- Set expectations regarding position statements or submissions

Clear pre-session communication reduces uncertainty on mediation day. When logistics, participation, and authority are confirmed in advance, the mediator can focus on facilitating resolution rather than resolving administrative issues.

Common Pre-Session Issues to Address Early

- Unclear or limited settlement authority
- Decision-makers unavailable for the full session
- Late identification of insurers or excess carriers
- Assumptions about joint sessions that differ among counsel
- Incomplete or missing pre-mediation submissions
- Technology or access issues for virtual participants

Pre-Session Issues That Commonly Disrupt Mediation Day

- Authority not confirmed in advance
- Required participants missing or unavailable
- Insurers or third parties identified late
- Disagreement over mediation format
- Unresolved logistical or technology issues

5. Authority and Attendance Confirmation

Confirming authority and attendance in advance is critical to a productive mediation session. Issues related to decision-making authority or missing participants can delay negotiations, limit options, and undermine momentum once the session is underway.

This step is not about pressure or persuasion. It is about clarity.

Settlement Authority

- Confirm that each party has a representative with full settlement authority present
- Identify any monetary limits or approval thresholds
- Clarify whether authority is joint, tiered, or subject to committee approval
- Confirm availability of authority holders for the duration of the session

Required Participants

- Confirm attendance of all parties required by court order or mediation agreement
- Identify individuals whose presence is necessary for meaningful negotiation
- Address partial attendance or late arrival concerns in advance
- Resolve disputes regarding who must attend

Insurance and Third-Party Involvement

- Confirm insurer participation and authority levels
- Identify excess carriers or layered coverage issues
- Determine whether lienholders or third parties must be available
- Clarify how third-party approval will be handled during mediation

Managing Authority Limitations

- Identify limitations early and communicate them clearly
- Establish protocols for obtaining additional authority during the session
- Set expectations if final approval cannot occur on mediation day
- Plan for follow-up sessions or post-mediation authority steps if needed

Mediation momentum depends on decision-makers being present and prepared. Authority issues addressed before the session prevent unnecessary delays and preserve the integrity of the process.



6. Information Gaps to Flag

Identifying information gaps before mediation allows the mediator to anticipate barriers, focus discussions, and avoid unnecessary delays during the session. These gaps do not require resolution before mediation, but they should be recognized and addressed intentionally.

The objective is awareness—not perfection.

Missing or Incomplete Information

- Incomplete damages calculations
- Missing medical, financial, or business records
- Absent or unclear expert opinions
- Late or inconsistent disclosures

Valuation and Exposure Gaps

- Unclear settlement positions or ranges
- Disputes over valuation methodology
- Incomplete insurance coverage information
- Unresolved allocation or contribution issues

Coverage and Financial Issues

- Undisclosed or late-identified policies
- Reservation of rights or coverage disputes
- Lien, subrogation, or reimbursement claims
- Payment structure or funding concerns

Non-Monetary and Structural Issues

- Confidentiality or non-disparagement terms
- Releases, scope, or carve-outs
- Timing of performance obligations
- Tax or compliance considerations

When these issues are identified early, mediation time can be spent on resolution rather than discovery or delay.





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Common Information Gaps That Delay Resolution

- ***Damages calculations that have not been finalized or explained***
- ***Authority limits that depend on unresolved valuation questions***
- ***Late identification of liens, subrogation, or reimbursement claims***
- ***Coverage issues discovered after mediation begins***
- ***Non-monetary terms raised for the first time during negotiations***

7. Timing and Readiness Considerations

Not every case is equally ready for mediation. Evaluating timing and readiness helps the mediator anticipate whether the session is likely to be productive and what preparation may be needed to support meaningful negotiations.

Readiness does not require complete agreement or perfect information. It requires sufficient clarity for informed decision-making.

Procedural Timing

- Stage of litigation or dispute resolution
- Pending motions, hearings, or rulings
- Status of discovery or information exchange
- Upcoming deadlines that may affect leverage or urgency

Substantive Readiness

- Clarity of claims, defenses, and damages
- Availability of key information for valuation
- Understanding of risks and exposure
- Alignment between counsel and client expectations

Party and Counsel Readiness

- Client understanding of the mediation process
- Willingness to engage in negotiation
- Emotional readiness of the parties
- Availability of decision-makers

Managing Timing Concerns

- Identify issues that may benefit from limited additional preparation
- Determine whether pre-mediation exchanges would be helpful
- Discuss timing concerns with counsel in advance
- Adjust expectations regarding the scope or goals of the session

Assessing readiness allows the mediator to structure the mediation day appropriately. When timing concerns are identified early, the mediator can help parties use the session productively—even if resolution is not immediately achieved.



Once readiness is assessed, attention turns to execution.

8. Day-of Mediation Logistics

Clear logistics on mediation day allow the mediator to focus on facilitation rather than administration. Confirming details in advance reduces interruptions and helps the session begin on time and proceed efficiently. The goal is readiness before the first conversation begins.

Physical or Virtual Setup

- Confirm room assignments or breakout rooms
- Test technology and audio/video functionality
- Ensure materials are accessible and organized
- Confirm privacy and confidentiality of spaces

Timing and Flow

- Confirm start time with all participants
- Establish an anticipated sequence for caucuses
- Build in flexibility for extended negotiations
- Plan breaks, meals, or transitions as needed

Administrative Requirements

- Confirm execution of mediation agreements
- Verify fee arrangements and billing details
- Ensure contact information is readily available
- Confirm handling of confidential materials

Contingency Planning

- Identify who to contact if authority issues arise
- Prepare for late arrivals or extended sessions
- Establish follow-up procedures if settlement is partial
- Plan next steps if additional sessions are required

When logistics are handled smoothly, parties are more likely to remain focused and engaged. Advance planning minimizes distractions and allows the mediation process to unfold without unnecessary interruption.



9. Pre-Session Confirmation Checklist

Before the mediation session begins, confirm the following items have been addressed. This checklist is intended as a final review to ensure readiness and avoid preventable delays.

Case Preparation

- ☐ File reviewed and organized
- ☐ Key documents identified and accessible
- ☐ Damages and exposure issues noted
- ☐ Potential information gaps flagged

Participants and Authority

- ☐ Attendance confirmed for all required participants
- ☐ Settlement authority confirmed for each party
- ☐ Insurers or third parties identified and available
- ☐ Authority limitations addressed in advance

Pre-Session Communication

- ☐ Pre-session calls completed
- ☐ Format and structure of the session confirmed
- ☐ Confidentiality and recording expectations clarified
- ☐ Outstanding questions identified

Logistics

- ☐ Date, start time, and anticipated length confirmed
- ☐ Location or video platform confirmed
- ☐ Technology tested and backup plans in place
- ☐ Materials prepared and accessible

A brief confirmation review before mediation begins helps ensure the session starts on time and proceeds with clarity. This checklist is designed to support consistency and professionalism across mediations.



10. Day-of Readiness Checklist

On the day of mediation, confirm the following items before the session begins. This checklist is intended to support a smooth start and allow the mediator to focus on facilitation rather than administration.

Environment and Setup

- ☐ Rooms or breakout spaces prepared
- ☐ Privacy and confidentiality ensured
- ☐ Technology functioning and tested
- ☐ Materials organized and accessible

Participants

- ☐ All participants present or available
- ☐ Decision-makers accessible for the duration of the session
- ☐ Insurers or third parties available as needed
- ☐ Contact information readily available

Session Management

- ☐ Mediation structure confirmed
- ☐ Joint session and caucus expectations set
- ☐ Timing and breaks planned
- ☐ Contingency plans in place

Administration

- ☐ Mediation agreement executed
- ☐ Fee arrangements confirmed
- ☐ Billing and follow-up procedures identified
- ☐ Next steps outlined if settlement is partial

Beginning mediation with clarity and readiness sets the tone for the entire session. When administrative details are addressed first, the process can focus on resolution.



Closing Note

Preparation does not guarantee resolution,

It does, however, remove many of the obstacles that prevent productive mediation.

This guide is intended to support consistency, clarity, and professionalism in the preparation process. When logistical issues, authority questions, and information gaps are addressed in advance, mediation time can be spent on resolution rather than administration.

Used regularly, this checklist helps create a strong foundation for each session—regardless of outcome.

PowerHouse Mediation

Practical preparation. Trusted process. Thoughtful resolution.

Contact Information and Resources

PowerHouse Mediation provides professional mediation services in civil, family, and complex matters.

Our work is grounded in a structured, confidential process designed to support informed decision-making and meaningful resolution. If you have questions about mediation, the timing of the process, or whether mediation may be appropriate for your matter, we welcome the opportunity to discuss next steps.

For general inquiries:

info@powerhousemediation.com

For scheduling and case logistics:

scheduling@powerhousemediation.com

We appreciate your preparation and participation in the mediation process.



<https://powerhousemediation.com>

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