

Client Checklist

Case Name: _____

Case No.: _____

Today's Date: _____

Attorney: _____

Preparing Your Client For Mediation

- Introduce The Mediation Process To The Client By Explaining**
 - Mediation is not a trial. It is a facilitated negotiation.
 - Mediation is voluntary and parties make their own decisions.
 - Mediation is informal. No witnesses attend. Testimony is not taken. Discussion is not limited to legal claims. Parties can explore creative solutions to their differences.
 - The mediator can meet separately with each party (caucusing).
 - Length of mediation is unpredictable: set aside ½ day: 1 day: 2 days [mark one].
 - Parties decide what they want to get out of the mediation, whether a settlement or an apology.
 - The client and counsel may end mediation at any time.

- Review And Explain The Terms Of The Agreement To Mediate**

- Explore Confidentiality Needs And Concerns Of The Client**

- Review The Case With The Client And The Assistant United States Attorney**
 - Explore carefully what the best case scenario would be for the Postal Service. Take the client through an interest based analysis, asking them to first identify and then to prioritize their interests. Additionally, the client should identify areas that are non-negotiable. You should encourage the client to think outside the box and be creative.
 - Confirm settlement authority. Be sure to consider a realistic range of money offers, as well as other possibilities such as transfers or promotions. Non-financial settlements might require settlement authority from other individuals. Be sure those individuals give their authority or are available by telephone the day of the mediation.
 - Reach agreement with the client and the AUSA about settlement goals, strategies and amounts.

Explain The Mediator's Role

- This mediator is appropriate for this case because...(subject matter expertise, mediation style, USPS experience, etc.)
- The mediator is neutral.
- The mediator gives no legal advice.
- The mediator does not determine who is right or wrong.
- The mediator supports the party's decision making and helps the party understand the other party's perspective.
- The mediator encourages good-faith sharing of information.
- Describe the mediator's background and experience.

 Advise The Client About His or Her Role

- Urge client to be cooperative and to keep business goals in mind. Advise him/her not to be combative.
- Advise client to ask questions privately when in doubt. (suggest that he/she request a break if the need arises to talk in confidence)
- Suggest that client listen to other side, taking notes if necessary.
- Advise the client that he/she makes the final decision about settlement, with the assistance of counsel.

 Final Reminders

- Date/Time/Place of Mediation
- Appropriate attire