

# Day-of Mediation Session Checklist

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This resource is intended to support attorneys and clients in staying focused, adaptable, and aligned throughout the mediation session. It offers practical prompts to reinforce communication strategy, manage impasse, and maintain momentum toward resolution—even when tensions run high or the path forward is unclear. It's designed to be used in real time, helping participants stay strategic and responsive as negotiations unfold.

## Before the Session Begins

- ☐ Confirm negotiation authority and decision-makers are present or accessible.
- ☐ Review goals and interests—not just legal positions.
- ☐ Clarify roles: who speaks when, and how to support each other.
- ☐ Identify tone you want to set in opening statements.
- ☐ Note any high-emotion issues or sensitive topics to manage.
- ☐ Check that all documents, visuals, or data needed are ready.

## During the Mediation

- ☐ Stay open to how the mediator structures the session.
- ☐ Listen carefully for new information, not just arguments.
- ☐ Watch for signals of movement or hidden interests.
- ☐ Reassess negotiation plan as the conversation evolves.
- ☐ Avoid reacting emotionally, pause and reframe if needed.
- ☐ Track proposals and clarify terms before responding.

### **If Negotiations Stall**

- ☐ Ask the mediator for help exploring process options (breaks, brackets, narrowing issues).
- ☐ Look for package deals or contingent offers.
- ☐ Revisit interests—has anything shifted since prep?
- ☐ Consider creative, non-monetary options.
- ☐ Assess what's driving the impasse: emotion, uncertainty, or principle?
- ☐ Reaffirm your client's priorities—what matters most now?

### **Reaching Agreement or Closing**

- ☐ Ensure everyone is clear on the terms and wording.
- ☐ Confirm agreement is documented or memorialized appropriately.
- ☐ Discuss any next steps or implementation timelines.
- ☐ If no agreement, clarify what happens next and preserve communication channels.
- ☐ Acknowledge effort—even partial progress may support resolution later.

### **Disclaimer:**

This Day-of Mediation Session Checklist is provided for informational and educational purposes only. It is not intended to offer legal advice, predict outcomes, or substitute for professional judgment. Use of this document does not create an attorney-client, mediator-party, or any other professional relationship. Parties and counsel should adapt the contents to fit their specific context, goals, and jurisdictional requirements. Mediation processes vary widely, and preparation strategies should be tailored accordingly. If you require legal advice or representation, you should consult a qualified attorney. If you need support in designing or conducting a mediation process, consider engaging a professional mediator or dispute resolution specialist.