

SHARED NEUTRALS
An Alternative Dispute Resolution Exchange
Sponsored by the Oregon Federal Executive Board

CONSENT TO MEDIATE

Case # _____

This is an agreement between _____,
_____ (the parties), and
_____, _____, (the mediators), to
enter into mediation.

1. The parties agree to make a good-faith effort to work together with the aid of the mediators and to make full disclosure of all relevant information.
2. Everyone understands that the mediators are neutral facilitators who will help the parties develop their own solutions. Mediation is not a substitute for independent legal advice and the mediators are not acting as attorneys.
3. Everyone agrees the mediation is confidential. This means that any communications shared between the parties during the mediation process may not be disclosed to any other person, unless as otherwise agreed below. Agreed-upon exceptions to confidentiality are:
 4. Information originating for and during the mediation will be used only for the purposes of the mediation, except as required by law.
 5. The mediators will not be witnesses, nor will their documents be subpoenaed. However, the mediators are bound to report information relating to dependent abuse and/or commission of future crimes.
 6. While all of us intend to continue with mediation until an agreement is reached, anyone may withdraw from mediation at any time. If a party decides to withdraw from mediation, s/he will make best efforts to discuss this decision with the other party and the mediators.
 7. The mediators will stop the mediation if they feel an impasse has been reached, if they cannot maintain their neutrality, or if, for any other reason, they cannot perform their role in an ethical and effective manner. The mediators will also make best efforts to discuss this decision with the parties.
8. The parties waive any right of action they may have against the mediators for any allegation of wrongful conduct on their part while acting in the course of mediation.

Party (Signature and Date)

Party (Signature and Date)

Mediator (Signature and Date)

Mediator (Signature and Date)

Additional lines for other participants
Please state role (i.e.: party, observer, representative, etc.)

(Signature and Date)

(Signature and Date)

(Signature and Date)

(Signature and Date)

(Signature and Date)

(Signature and Date)

(Signature and Date)

(Signature and Date)

*This Consent to Mediate is **not** confidential.
However, it is a sensitive document and should be treated accordingly.*

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PRIMARY MEDIATOR CHECKLIST

Case Number _____

Primary Mediator _____ Co-mediator _____

Mediation Date(s) _____

Date received case assignment _____

Date received case/client contact Information _____

Date of first contact with: Party 1 _____
Party 2 _____
Party 3 _____

Please return the following completed forms to: Attn: Tamara Moland,
Shared Neutrals Program Coordinator
Bureau of Land Management
333 SW 1st Ave.
Portland, OR 97204

- Primary Mediator Checklist
- Consent to Mediate Form
- Debriefing Critique Form
- Client Evaluation forms (if mediators collect them)

Please answer the following questions:

Type of Case/Conflict: (Please check all that apply)

- Employee/Employee
- Employee/Supervisor
- Interpersonal
- Crosscultural
- Unlawful Harassment
- Union Grievance
- EEO
- Other _____

Outcome: Successful Mixed Unsuccessful

(Please briefly describe mediation outcome, such as the degree of resolution reached)

Total Mediation Hours: _____ **Primary** _____ **Co-mediator** _____

(Please include case development, scheduling, mediation, debriefing AND co-mediator hours in total mediation hours)

Travel Time _____ **Travel Expenses** _____

(Please include travel time and expenses of co-mediator)

updated 5/14/07

Revised & approved 5/14/2007

Mediator Checklist

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General Procedures:

- Contact all involved parties within 48 hours of receiving case assignment**
 - Schedule date of mediation (preferably within 2 weeks of case assignment)
 - Review mediation process
 - Complete case development
- Enlist the assistance of a co-mediator**
 - Devise strategy for co-mediating case
- Inform Program Coordinator of co-mediator selected and date of mediation**
 - Inform Program Coordinator of any changes

At the mediation session:

- Write case number on all forms before distributing or completing**
- Everyone present signs Consent to Mediate form before mediating**
- Each participant receives copy of Mediated Agreement form (if completed)**
 - Mediators do NOT retain a copy of the agreement
- Distribute evaluation form and envelope to each participant**
 - Collect completed forms OR encourage participants to mail back
- Debrief with your co-mediator, (using the Mediator Critique form)**
- Complete and return debriefing critique form**
 - Obtain stamped, pre-addressed envelopes from the Program Coordinator
- Return all forms to:**
 - Attn: Tamara Moland,
 - Shared Neutrals Program Coordinator
 - Bureau of Land Management
 - 333 SW 1st Ave.
 - Portland, OR 97204
- Send travel documentation to Agency Liaison or designated official for agency**

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MEDIATED AGREEMENT
between

Having participated in mediation session(s) on _____,
and being satisfied that we have reached a fair and reasonable agreement, we hereby agree
as follows:

1) This agreement is confidential. Agreed upon exceptions are:

2) _____

Dated this _____ day of _____, 200__

(Mediator)

(Mediator)

5/14/07

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EVALUATION

Case # _____ Mediator Names: _____

Your satisfaction is our primary concern. Your honest feedback of the process you participated in is very important. Please answer the questions by circling responses that most accurately represent your view. Please comment where you feel it is appropriate.

Your feedback is useful to the quality of our program. Thank you.

1. How would you rate the quality of the mediation services?

5	4	3	2	1
Excellent	Good	Average	Fair	Poor

2. Did the services meet your needs?

5	4	3	2	1
Almost All	Most	Some	Few	None

3. Did you feel the services or processes were fair and impartial?

5	4	3	2	1
Yes	Mostly	Average	Somewhat	No

4. Do you feel your situation will improve as a result of using mediation?

5	4	3	2	1
Yes	Somewhat	Undecided	Not Much	No

5. Please rate listening and communication skills of the Shared Neutrals mediators:

5	4	3	2	1
Excellent	Good	Average	Below Average	Poor

6. Would you rate this mediation as successful? Why?

7. Would you recommend this service to your co-workers? Why?

8. Do you have any suggestions for how to make this service more useful or responsive?

Please complete and return this evaluation to:
Tamara Moland, Shared Neutrals Program Coordinator
Bureau of Land Management
333 SW 1st Ave.
Portland, OR 97204

Your Name (optional)

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MEDIATOR DEBRIEFING

Date: _____

Case #: _____

Mediator 1: _____

Mediator 2: _____

NOTE: PLEASE COMPLETE THIS DEBRIEFING AS A TEAM, ABOUT TODAY'S MEDIATION.
*This paperwork will be reviewed by the Program Coordinator, and questions/concerns will be brought to the Personnel Standing Committee for appropriate resolution. Mentors & Trainees should use additional learning and debriefing tools. **Thank You!***

What worked well today? _____

What were the Lessons Learned? _____

Was there anything unique about this case you would like to note? _____

Use back of page for additional comments →

Rate your mediation team on the following Skills and Core Standards (The OMA Core Standards are available in full at www.mediate.com/oma/pg4.cfm)	Needs improvement	Appropriate	Exceptionally strong	Specific Comments
Procedural – Clear explanation of Agreement to Mediate, etc.				
Respects & encourages self determination of parties in decision-making				
Performs mediation services only after informed consent given by participants				
Maintains impartial regard (equal rapport with participants)				
Maintains confidentiality to reasonable expectations of parties				
Competence (has necessary knowledge & skills to mediate)				
Explains & encourages good faith participation				
Discloses dual role limitations , where applicable, and refrains from engaging in non-mediative role while acting as mediator. (i.e. "I am an attorney by trade, but in this mediation my role is...")				
Other:				