



Mediator Evaluation Program: Process Checklist

- Cleared conflicts for this evaluation mediation.
- Understanding that the goal of this process is to assess a fellow mediator's strengths and weaknesses, have spoken with mediator to determine the extent of my participation during any mediation communications.
- Reviewed the evaluation forms and competencies tool in advance of any mediation communications.
- To the best of my abilities, made myself available for pre-mediation communications and the initial mediation session.
- Signed confidentiality form.
- Filled out the evaluation forms.
- Discussed evaluation conclusions with mediator. (Please note: final determinations regarding a mediator's status on the panel are made by the Mediation Office.)
- Submitted this form, the final evaluation form, and competencies form to the Mediation Office within 48 hours of the post-mediation discussion.
- I departed from the guidelines above for the following reasons:



Mediator Evaluation Program: Final Recommendation

I _____ observed mediator _____ on the following dates _____.

Understanding that any final decision as to a mediator's continued service on the SDNY panel rests with the Mediation Program, based on this observation, I make the following recommendations about this mediator.

This mediator should continue to mediate because he/she demonstrated competencies discussed in the attached form. In particular:

This mediator should not continue to mediate now because he/she needs to develop the following competencies:

This mediator will be offered the opportunity, within 12 months from the date of this form, to observe at least 3 other mediations coordinated by the SDNY Mediation Program then to complete another evaluation mediation. During this 12 month period the mediator may participate in any training or professional development offered by the SDNY Mediation Program.

I recommend this mediator as an evaluator for the program. (Explain briefly.)

I have discussed my recommendations with the mediator.

At his/her request I have provided a copy of the evaluation forms to the mediator.

Date:

: Evaluator



Mediator Evaluation Program: Competencies Form

This form is intended to provide guidelines for the assessment of skills, interventions, and competencies associated with mediators using a variety of styles and approaches to mediation. It is not expected that the mediator will necessarily use or reflect all of the identified skills, interventions, and competencies in any particular mediation. This form is a crucial aspect of the evaluation process and we ask that you take time to read and complete it before speaking with the mediator. Where possible, please include specific examples of a mediator's comments and/or conduct to illustrate your evaluation of individual sections/interventions.

In order to protect the confidentiality interests of the participants, do not use the names of the parties or the lawyers. Also be sure not to provide information that might identify any of the participants.

Mediator: _____

Evaluator: _____

Dates of Observation: _____

In each section below, please 1) check all interventions/skills demonstrated by the mediator, 2) provide an overall rating for that section, and 3) use comments to provide examples of particular strengths and weaknesses. If a particular section or skill could not be accomplished or demonstrated due to circumstances beyond the mediator's control please give no rating for that section and explain the circumstances.

1. Pre-mediation Calls with Counsel:

Contacted parties to schedule call promptly after notice of selection by: phone ___ e-mail ___ other ___

Greet participants; endeavor to set positive, friendly, cooperative tone ___

Ask if participants have mediated before; explain, summarize, invite input about the process ___

Explain confidentiality and confidentiality agreement ___

Confirm identity of persons who will attend, including those with settlement authority ___

Ask status of case and discovery ___

Discuss initial statements in joint session ____

Established interim steps (e.g. limited discovery, content/deadlines for mediation statements) ____

Overall Assessment of Pre-Mediation Calls ____

(5 = Exceptional; 4 = Very Effective; 3 = Competent; 2 = Needs Improvement; 1 = Does Not Perform Necessary Skill)

If specific circumstances prevented demonstration, explain:

2. Mediator's Opening Statement:

Greet participants; establish friendly, cooperative tone ____

Facilitate introductions ____

Explain process, role of mediator, role of counsel, confidentiality ____

Have everyone sign confidentiality agreement ____

Revisit discussion about initial statements ____

Overall Assessment of Opening Statement ____

(5 = Exceptional; 4 = Very Effective; 3 = Competent; 2 = Needs Improvement; 1 = Does Not Perform Necessary Skill)

If specific circumstances prevented demonstration, explain:

3. Joint Session:

Listens attentively without interrupting ____

Manages interruptions that threaten the process, if appropriate ____

Asks clarifying questions ____

Encourages active participation of parties ____

Develops with participants an agenda of issues to be addressed ____

Uses active listening techniques (e.g. reflection, summary, reframing) ____

Overall Assessment of Joint Session ____

(5 = Exceptional; 4 = Very Effective; 3 = Competent; 2 = Needs Improvement; 1 = Does Not Perform Necessary Skill)

If specific circumstances prevented demonstration, explain:

4. Explores Facts/Interests, Develops Options/Transmits Settlement Proposals:

Utilizes caucus effectively ____

Engages parties; encourages them to participate actively ____

Ascertains participants' interests ____

Asks open-ended questions ____

Maintains control of process while allowing participants to shape details ____

Helps participants evaluate strengths and weaknesses of their case ____

Facilitates creative problem-solving, where possible ____

Helps formulate and adjust settlement proposals ____

Encourages reality testing of options and proposals ____

Assists in defining next steps whether or not agreement is reached ____

Overall Assessment of Above Skills ____

(5 = Exceptional; 4 = Very Effective; 3 = Competent; 2 = Needs Improvement; 1 = Does Not Perform Necessary Skill)

If specific circumstances prevented demonstration, explain:

5. Personal Attributes:

Stays calm, positive, and patient ____

Puts participants at ease ____

Listens attentively without interrupting ____

Facilitates interaction between parties, including difficult conversations ____

Responds appropriately to expressions of emotion ____

Shows empathy ____

Makes effort to build trust and confidence of the parties in the mediator and the process ____

Overall Assessment of Personal Attributes ____

(5 = Exceptional; 4 = Very Effective; 3 = Competent; 2 = Needs Improvement; 1 = Does Not Perform Necessary Skill)

If specific circumstances prevented demonstration, explain:

6. Adherence to Ethical Standards:

Demonstrates impartiality ____

Maintains confidentiality ____

Supports self-determination of participants ____

Understands conflicts/recusal ____

Demonstrates requisite subject matter expertise ____

Overall Assessment of Ethics Standards ____

(5 = Exceptional; 4 = Very Effective; 3 = Competent; 2 = Needs Improvement; 1 = Does Not Perform Necessary Skill)

If specific circumstances prevented demonstration, explain:

7. Overall, was the mediator effective? (Y/N): ____

Why or why not?

8. Please describe the mediator's level of engagement with the feedback process (e.g. did the mediator display insight into his/her mediation practice, was the mediator open to comments from the evaluator, etc.)

9. Please describe any consultation between the evaluator and mediator throughout the mediation process:

10. How can this evaluation process and/or form be improved?

NOTES: