

MEDIATION REPORT FORMS – CIVIL CASE

Overview

Mediation report forms are used by courts to monitor what occurred in the mediation. Courts need to know whether and when the mediation occurred, what the outcome was, and what further steps will be taken by the parties (particularly who will be filing the stipulation). This information is required for any further action by the court. It is also necessary for the court's monitoring of the functioning of the program.

The best mediation reports not only gather information on what occurred in the mediation, but are also used an opportunity for the court to collect data for more sophisticated analysis of the program's functioning. As such, a good form asks a number of questions about the characteristics of the case, such as what type of case it is, the timing of the mediation, the amount of time spent in mediation, and who attended. This information allows the court to more clearly understand which cases benefit from mediation and what impact it has on the courts and the litigants.

The best mediation reports also use checkboxes and structured-response questions as often as possible. This makes it easy to complete and to enter into a database, as well as eliminates ambiguity in responses.

South Carolina Mediation Results Report

This is an example of a nice, quick mediation report that gathers information that can be used for evaluation of the program. Particularly good use is made of check boxes, making it easy for busy mediators to complete and for busy clerks to enter into the court's database.

One item that can lead to confusion is the option that the mediation ended with impasse. The additional language appears not to allow for a mediation that was not productive.

Los Angeles Superior Court Statement of Agreement or Non-Agreement

This form gathers both the basic monitoring information and the additional information that can help with evaluating the program. It also has two items that are unusual and worthy of imitation. First, it reminds the mediator not to divulge confidential information when responding to open-ended questions. Second, it divides partial agreement into two categories – not all parties reached agreement, or not all issues were agreed upon, with the ability to check both.

STATE OF SOUTH CAROLINA)
) IN THE CIRCUIT COURT FOR THE
) _____ COUNTY)
) JUDICIAL CIRCUIT
)
_____) Plaintiff)
) vs.) MEDIATION RESULTS REPORT
)
_____) Defendant)
) Docket No. _____

(THIS FORM TO BE COMPLETED BY THE MEDIATOR WITHIN 10 DAYS OF CONCLUSION OF THE CONFERENCE, WHETHER OR NOT AGREEMENT WAS REACHED BY THE PARTIES.)

1. Mediated settlement conferences were held before me on _____, 20____.

2. As a result of these conferences, this case should be considered (*please check one*):

☐ Fully Settled (*please check one*):

☐ by Consent Judgment, to be filed by _____ or,
(Name of Designee)

☐ by Voluntary Dismissal, to be filed by _____
(Name of Designee)

☐ Partially Settled, with agreement of the parties on the following issues:

(attach separate sheet, if necessary): _____

☐ At an impasse. The mediation session was productive and there is the possibility that further discussion over settlement options could lead to an agreement.

☐ In need of further mediation. (I ☐ **am**/ ☐ **am not** willing to mediate this case further.)

☐ Continued (Date) _____

3. Plaintiff ☐ **was/** ☐ **was not** present.

Defendants ☐ **were/** ☐ **was not** present.

4. Other participants were:

- ☐ attorney for plaintiff:
- ☐ attorney for defendants:
- ☐ representatives for insurance carrier _____
- ☐ guardian ad litem _____
- ☐ experts _____
- ☐ others _____

5. This case was co-mediated with: _____.

6. Choice of the mediator was by:

- ☐ Stipulation
- ☐ Court Order.

7. The total number of hours spent in mediation was: _____ hours.

8. the total mediator fees were \$_____.

9. Further comments of the mediator:

Date: _____ *Signature of Mediator:* _____

Print Name of Mediator: _____

MEDIATOR (<i>Name and Address</i>): TELEPHONE NO.: _____ FAX NO. (<i>Optional</i>): _____ E-MAIL ADDRESS (<i>Optional</i>): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES	
CASE NAME: _____	
STATEMENT OF AGREEMENT OR NONAGREEMENT ☐ First ☐ Supplemental	CASE NUMBER: _____
NOTE: This form must be used by mediators in the Civil Action Mediation Program (Code Civ. Proc., § 1775 et seq.) and in the Early Mediation Pilot Program (Code Civ. Proc., § 1730 et seq.)	

1. This case was filed on (*date if known*): _____
2. I was selected as the mediator in this matter on (*date*): _____
3. Mediation (*check one*):
 - a. ☐ did not take place.
 - (1) ☐ A party who was ordered to appear at the mediation did not appear.
 - (2) ☐ Other reason (*please specify without disclosing any confidential information*): _____
 - b. ☐ took place on (*date or dates*): _____
 and lasted a total of _____ hours.
4. ☐ The mediation has not ended. I submit this form to comply with the court's requirement to do so by a specified date.
5. The mediation ended (*check one*):
 - a. ☐ in full agreement by all parties on (*date*): _____
 - b. ☐ in partial agreement
 - (1) ☐ in full agreement as to the following parties:
 on (*date*): _____
 - (2) ☐ in full agreement as to limited issues on (*date*): _____
 - c. ☐ in nonagreement.

Date: _____

 (TYPE OR PRINT NAME)



 (SIGNATURE OF MEDIATOR)

NOTE: Within 10 days of the conclusion of the mediation or, when applicable, by the deadline set by the court, the mediator must serve a copy of this statement on all parties and file the original, with proof of service, with the court clerk. The proof of service on the back of this form may be used.

CASE NAME:	CASE NUMBER:
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PROOF OF SERVICE

☐ **Mail** ☐ **Personal Service**

1. At the time of service I was at least 18 years of age and not a party to this legal action.
2. My residence or business address is (*specify*):
3. I mailed or personally delivered a copy of the Statement of Agreement or Nonagreement as follows (*complete either a or b*):
 - a. ☐ **Mail.** I am a resident of or employed in the county where the mailing occurred.
 - (1) I enclosed a copy in an envelope **and**
 - (a) ☐ **deposited** the sealed envelope with the United States Postal Service, with the postage fully prepaid.
 - (b) ☐ **placed** the envelope for collection and mailing on the date and at the place shown in items below, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.
 - (2) The envelope was addressed and mailed as follows:
 - (a) Name of person served:
 - (b) Address on envelope:
 - (c) Date of mailing:
 - (d) Place of mailing (*city and state*):
 - b. ☐ **Personal delivery.** I personally delivered a copy as follows:
 - (a) Name of person served:
 - (b) Address where delivered:
 - (c) Date delivered:
 - (d) Time delivered:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

_____ (TYPE OR PRINT NAME)	►	_____ (SIGNATURE OF MEDIATOR)
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