



PRE-MEDIATION QUESTIONNAIRE

1. What understandings and/or agreements did you and the other party/ies have which you believe have been breached? What understandings and/or agreements do you believe that the other party/ies are accusing you of having breached?
2. What changes, if any, occurred in these understandings and agreements?
3. How do you and the other party/ies differ in your current interpretations?
4. What was your relationship at the beginning? How did you get together?
5. Did you trust each other at that time?
6. When did you first suspect that something was going wrong?
7. Did you feel betrayed, taken advantage of, ignored, victimized, etc?
8. Did you discuss these feelings with the other party/ies? When? How often?
9. Have these beliefs changed? If so, how?
10. What do you believe the other party/ies owe you on account of these actions?
11. Are there any areas where you agree, or are close to agreement?
12. What are the areas of greatest disagreement?

13. In these areas of disagreement, what criteria will you use to judge the merits of your and the other party/ies' claims?
14. What are the most important points any agreement must have to satisfy you and why are they important?
15. What do you believe are the most important points to the other party/ies?
16. Are there any topics that you would prefer not to discuss?
17. Are there things the other party/ies might say that would cause you distress or cause you to lose your temper?
18. If this happens how can I help to keep our discussion on track?
19. Where you have different ideas on how things should be done, do you have anything to support your belief such as industry standards, notes, receipts, witnesses, photos, etc?
20. Are there any areas or items you are not willing to discuss? Why?
21. If we do not arrive at an agreement and you go to Court or arbitration:
 - (a) What do you think could be your best result?
 - (b) What do you think could be your worst result?
22. Please indicate which of each of the following three statements are more important to you:
 - (a) an immediate solution even if it is less than I would like, or
 - (b) a big win even if I have to wait a few years;
 - (c) financial satisfaction, or
 - (d) emotional satisfaction;
 - (e) ending the conflict and dispute quickly, or
 - (f) getting even.

Please indicate which of the three statements is the most important and which is the least important to you.
23. Is a settlement without an apology acceptable?
24. Is a settlement without payment of money acceptable?

25. If this goes to Court what are all the issues you believe will be in dispute?
26. Do you have any suggestions as to what I might do that would help bring about an early resolution of this problem?
27. Is there any other information that might have a bearing on this matter?

**This is a tool for self-assessment, not for the Mediator's judgment.
Success in mediation is dependent upon preparation.**

Your answers determine whether the mediation process can fulfil your needs. If a victory is absolutely required you might consider proceeding with litigation.

The process of coming up with answers to these questions may stimulate new avenues of thought.

Taking the time to reflect on your answers to these questions, before you see a mediator may help you see why you are on this particular path.

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