

The first ten questions were seeking basic and biographical information, as the survey was anonymous.

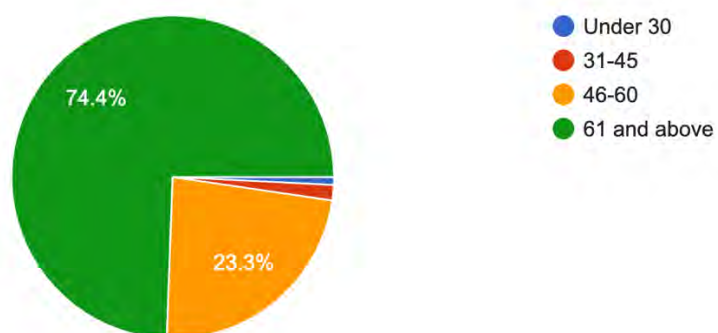
1. What did you do before becoming a mediator?

129 responses



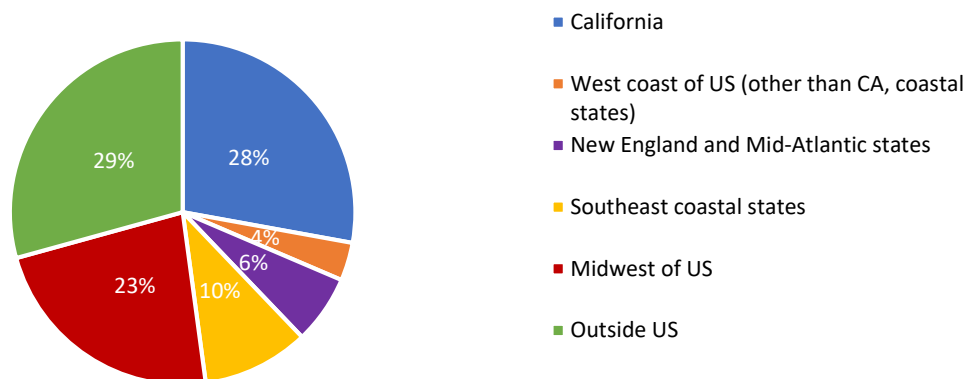
2. Your age

129 responses



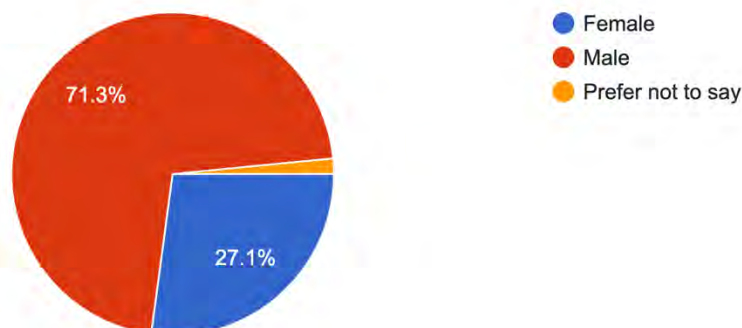
3. Place of practice

129 responses



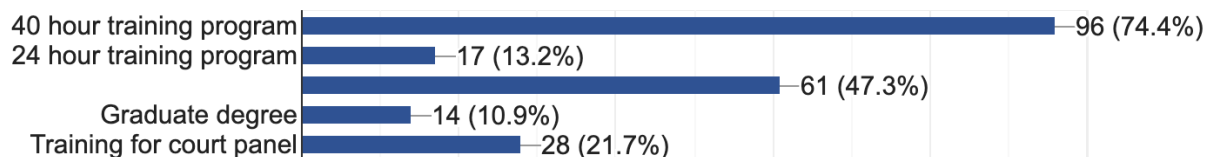
4. Gender

129 responses



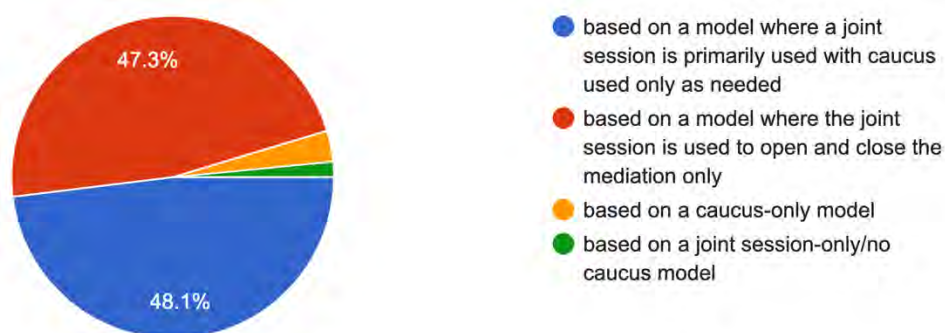
5. Mediator Training

129 responses



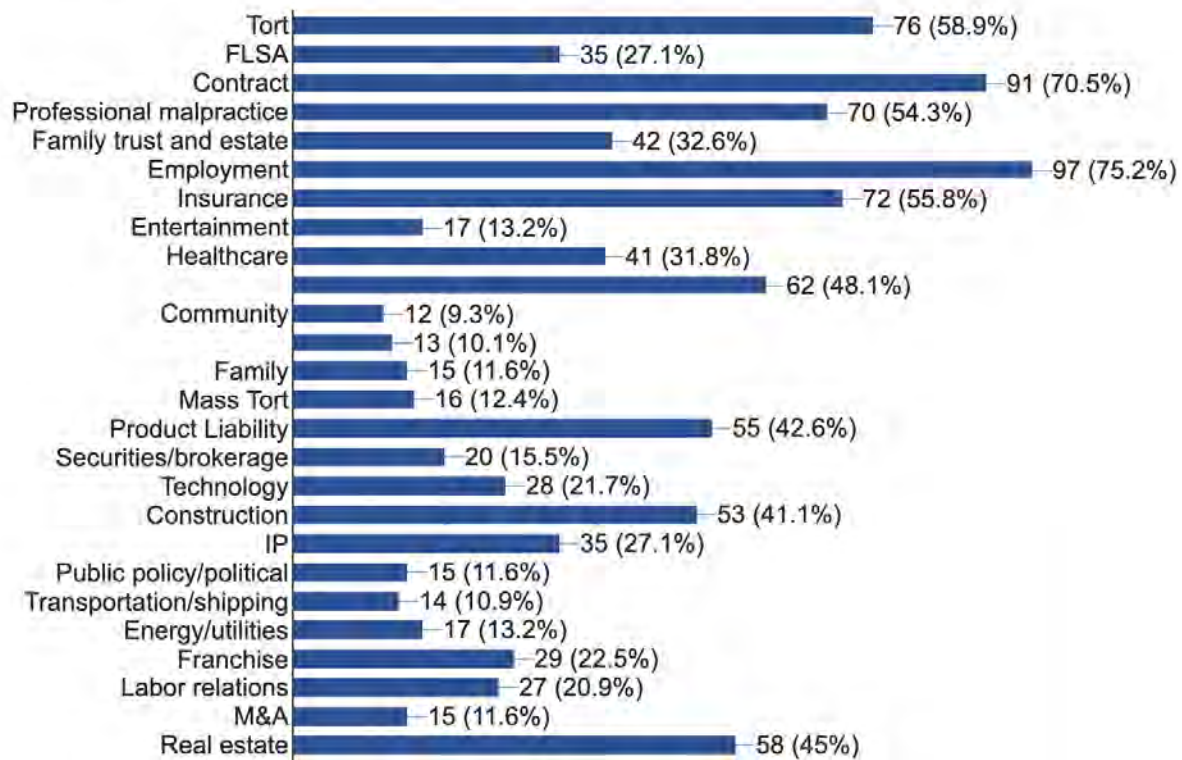
6. If you had mediator training, was the primary model of mediation taught in your longest training:

129 responses



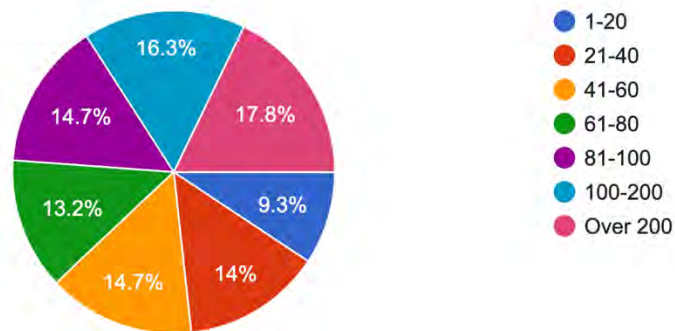
7. What types of disputes do you mediate?

129 responses



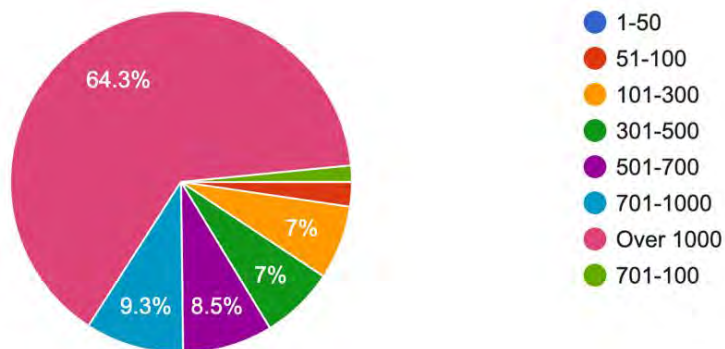
8. Approximately how many mediations do you conduct a year currently?

129 responses



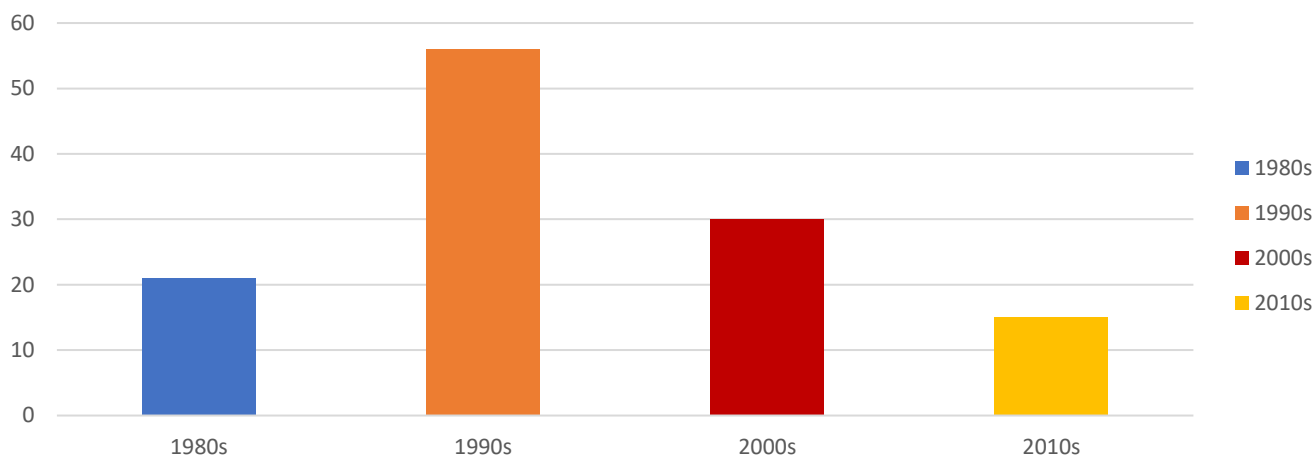
9. Approximately how many times have you mediated in your career?

129 responses



10. When did you first start actively serving as a mediator?

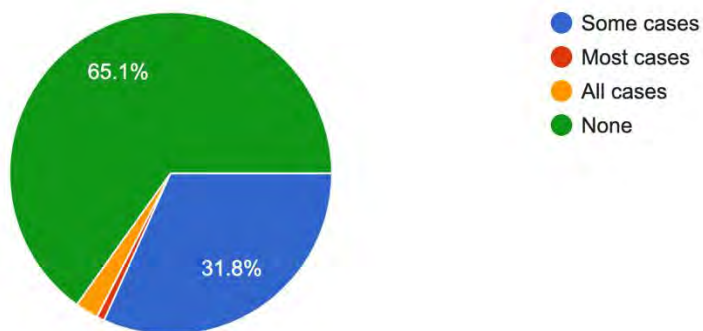
129 responses



Questions 11 through 15 ask, “How do cases come to you? What are the sources of business generation for your mediation practice?”

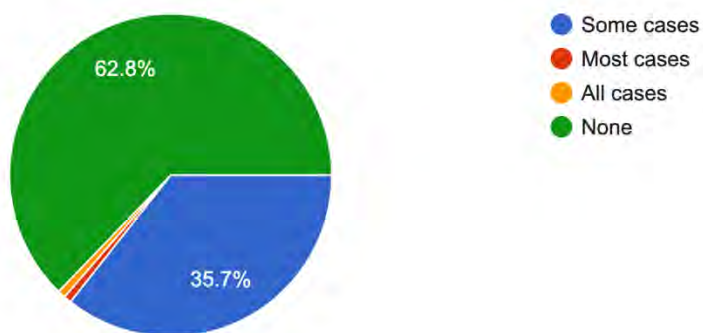
11. Contractual mediation clauses where you are named as mediator

129 responses



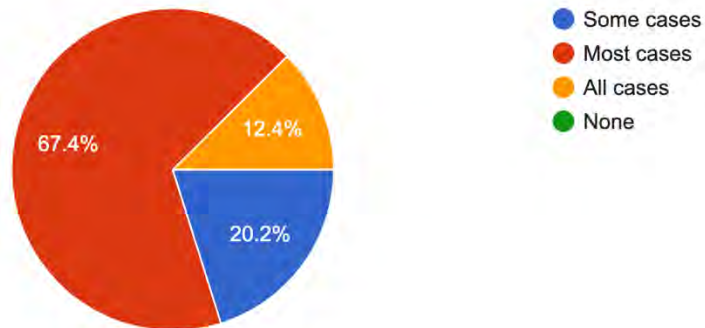
12. Contractual clauses where your agency, panel, or firm is named the mediation provider, but not you individually

129 responses



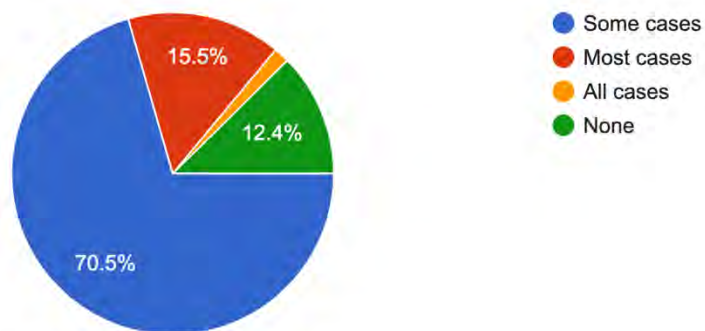
13. Lawyer referral from lawyers who have mediated with you before or know your reputation

129 responses



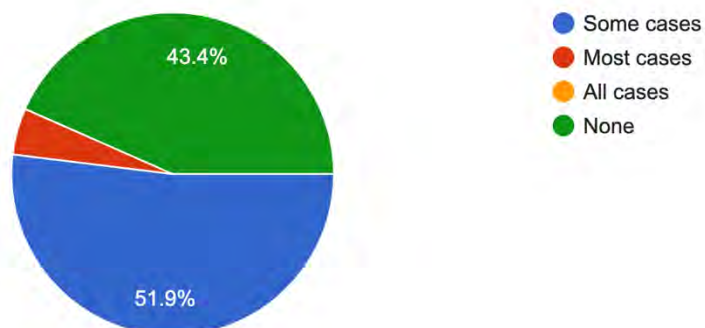
14. Lawyers who knew you or worked with you while you practiced law or provided another service

129 responses



15. Court referral

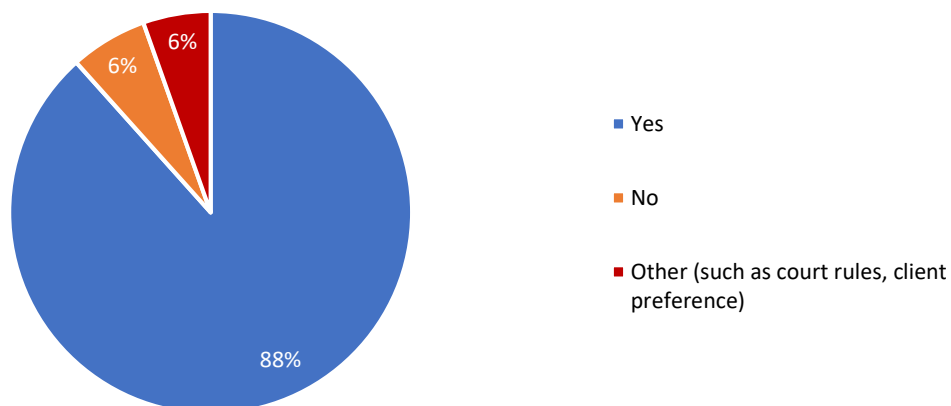
129 responses



Questions 16 through 27 ask, "With respect to the use of joint session, please respond to the following."

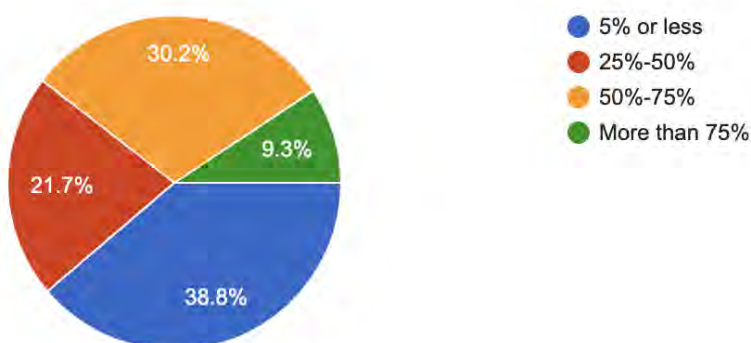
16. Does the nature of your referral source influence whether you use joint session or caucus?

129 responses



17. In approximately what percentage of your mediations is there a "repeat player" on one or both sides of the table? A repeat player, as the term is used here, is an individual attorney or an institutional party for whom you mediate more than 5 times in a given year.

129 responses



18. I begin the mediation session with all parties in caucus.

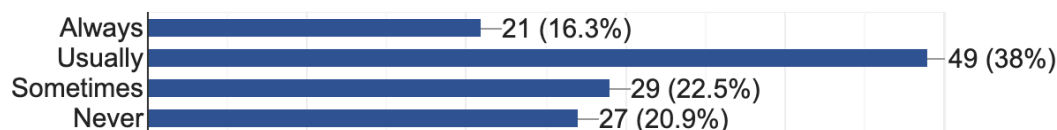
129 responses



Explanations for always or usually beginning the mediation session with all parties in caucus range from wanting an individual introduction to depending on the type of case that is in mediation.

19. I begin the mediation session with all parties in joint session.

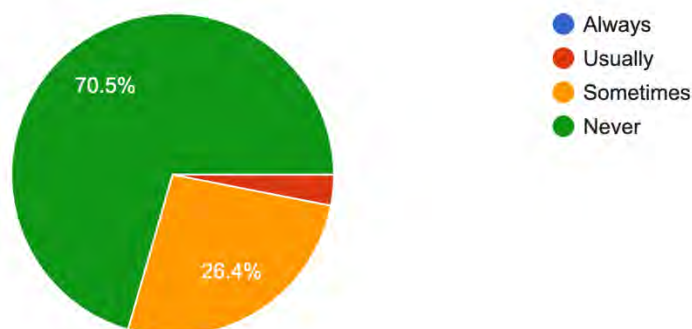
129 responses



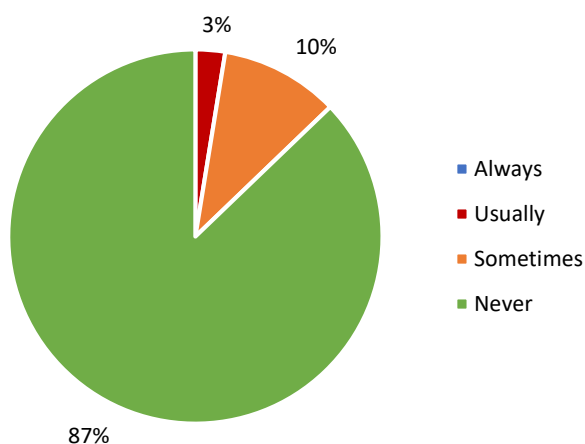
Explanations for always or usually beginning the mediation session with all parties in joint session range from giving a broader introduction and setting the tone of the mediation to local court rules requiring parties to be in joint session.

20. I keep the parties in joint session throughout the entire mediation (i.e., no caucus).

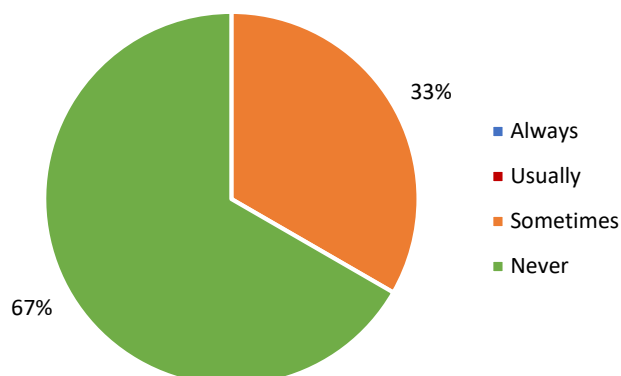
129 responses



20. California mediators: I keep the parties in joint session throughout the entire mediation (i.e. no caucus).

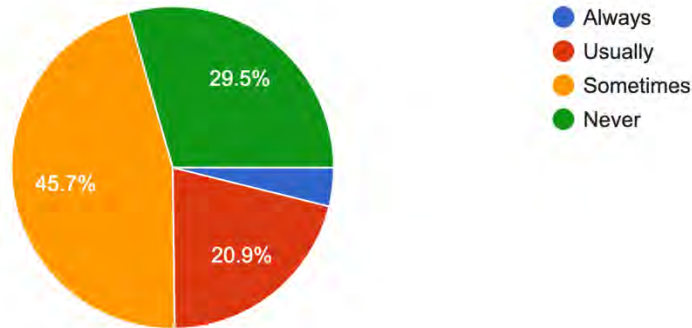


20. Northeast mediators: I keep the parties in joint session throughout the entire mediation (i.e. no caucus).

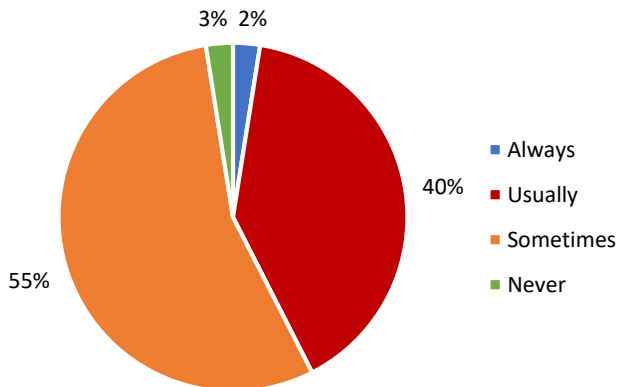


21. I keep the parties in caucus throughout the entire mediation (i.e., no joint session).

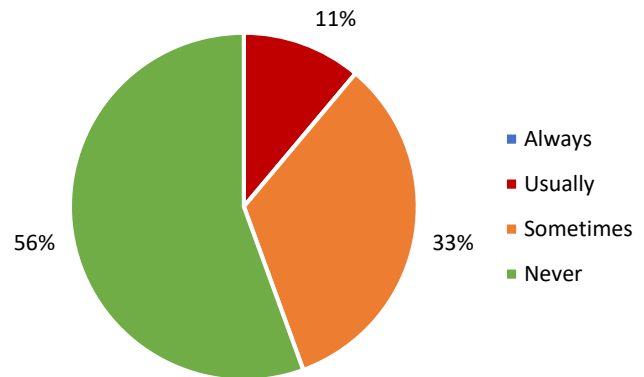
129 responses



21. California mediators: I keep the parties in caucus throughout the entire mediation (i.e. no joint session).

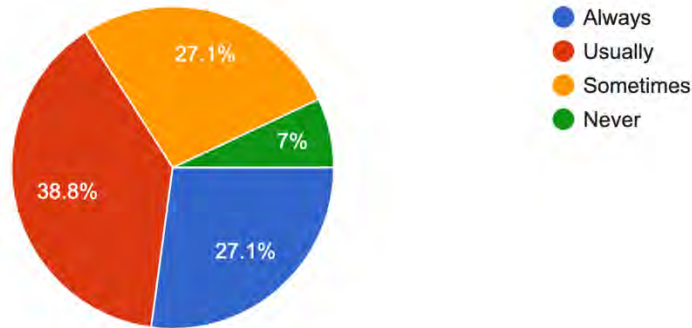


21. Northeast mediators: I keep the parties in caucus throughout the entire mediation (i.e. no joint session).

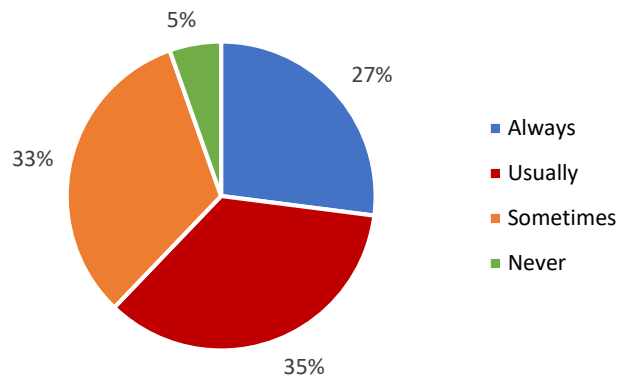


22. I use a combination of both joint session and caucus, bringing parties into and out of joint sessions, as best suits the case.

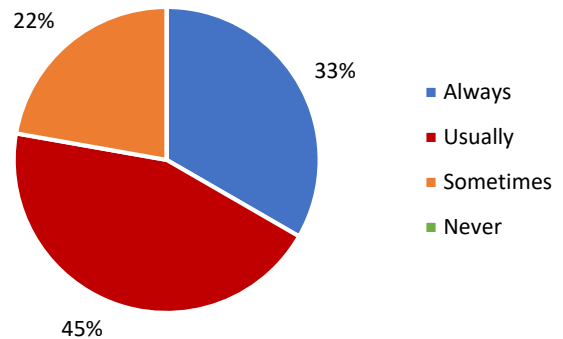
129 responses



22. California mediators: I use a combination of both joint session and caucus, bringing parties into and out of joint sessions, as best suits the case.

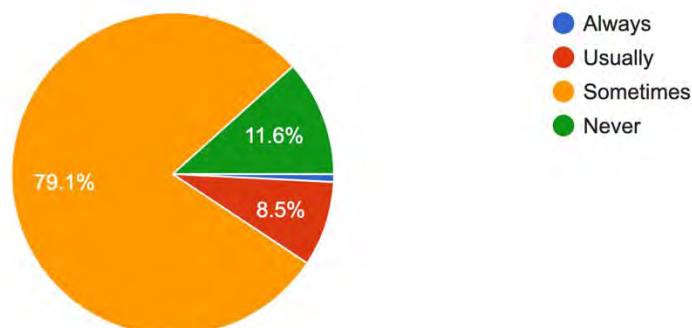


22. Northeast mediators: I use a combination of both joint session and caucus, bringing parties into and out of joint sessions, as best suits the case.



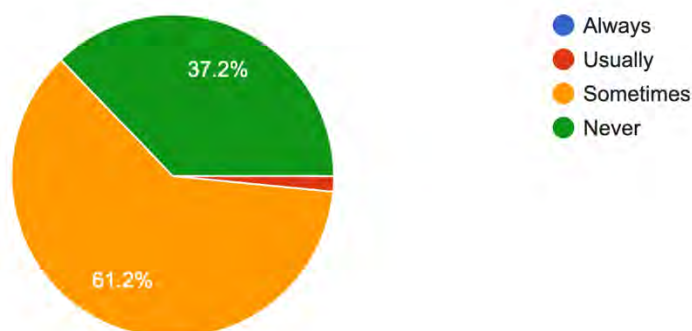
23. I caucus only with counsel.

129 responses



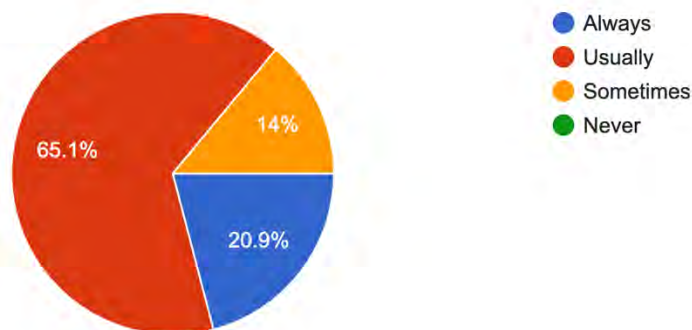
24. I caucus separately with disputants without their lawyers.

129 responses



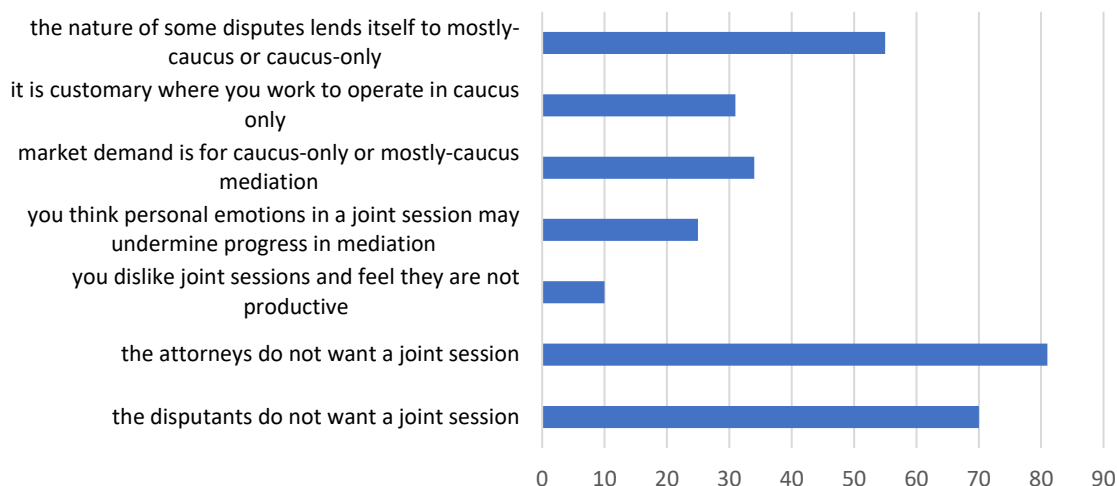
25. I caucus with disputants and their counsel together.

129 responses



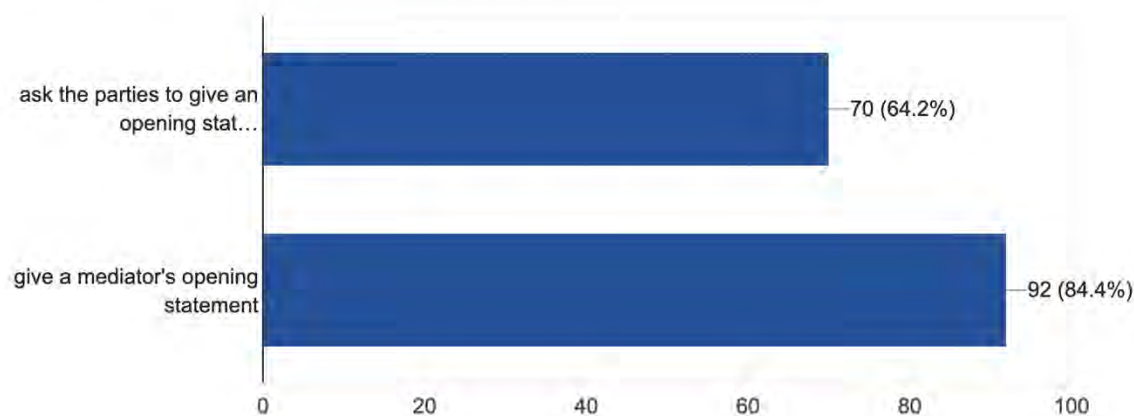
26. If you do not utilize joint sessions, is it because (check all that apply):

109 responses



27. If you begin in a joint session, do you:

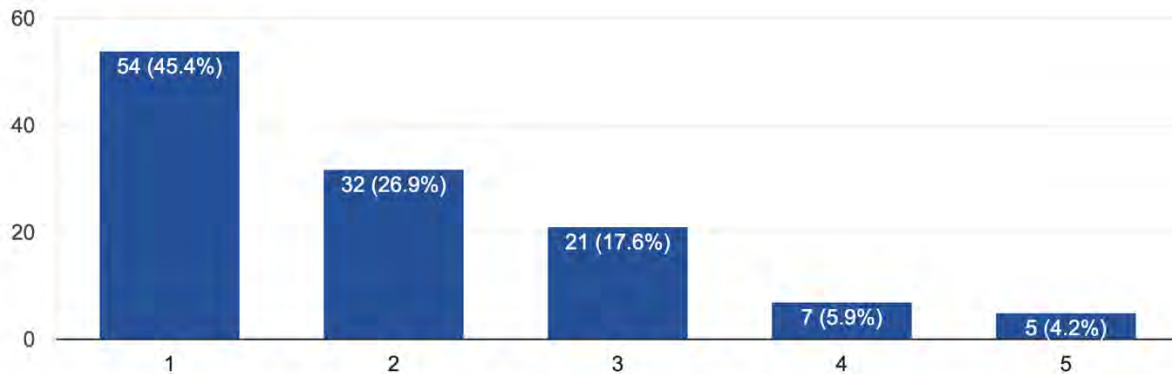
109 responses



Questions 28 through 38 ask: “When and if you prefer joint sessions, what are important values in a joint session-with-caucus-as-needed or joint session-only model?” (1 = strongly agree, 5 = strongly disagree)

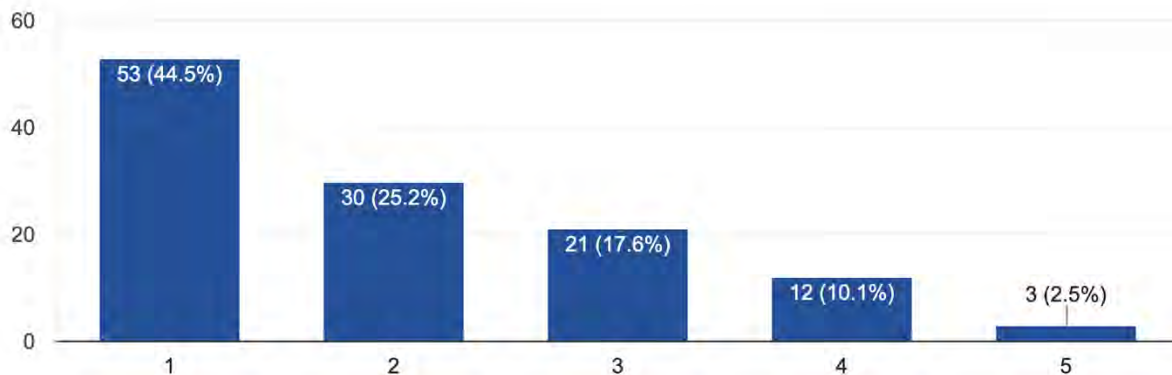
28. Develop better understanding, and possibly trust, between the disputants.

119 responses



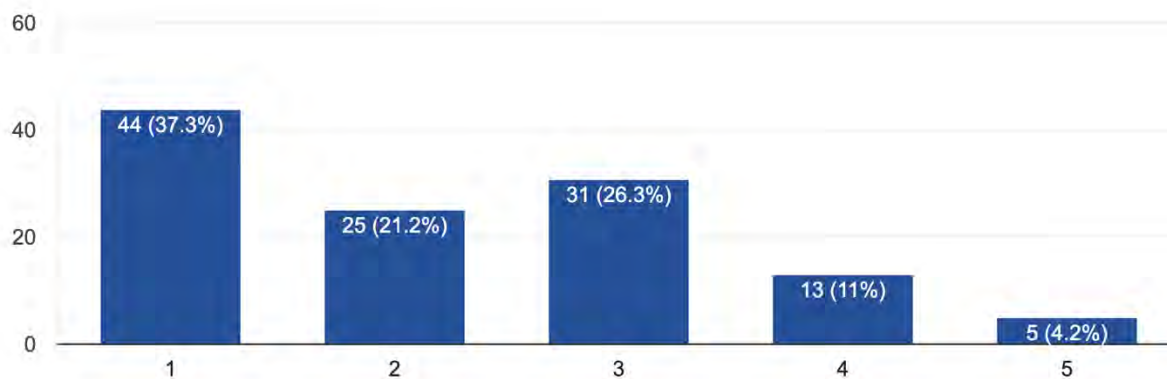
29. Develop collaboration and problem-solving with the parties.

119 responses



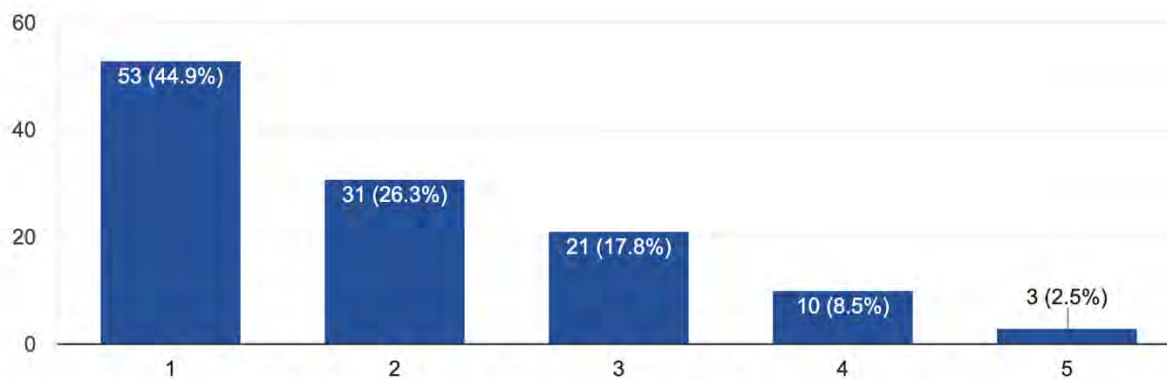
30. Develop a durable outcome.

118 responses



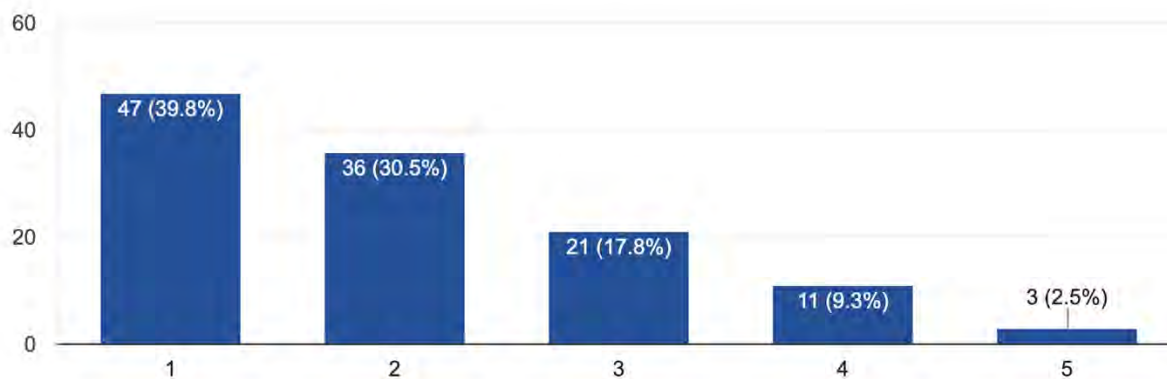
31. Enhance overall party satisfaction with fairness of the process and outcome.

118 responses



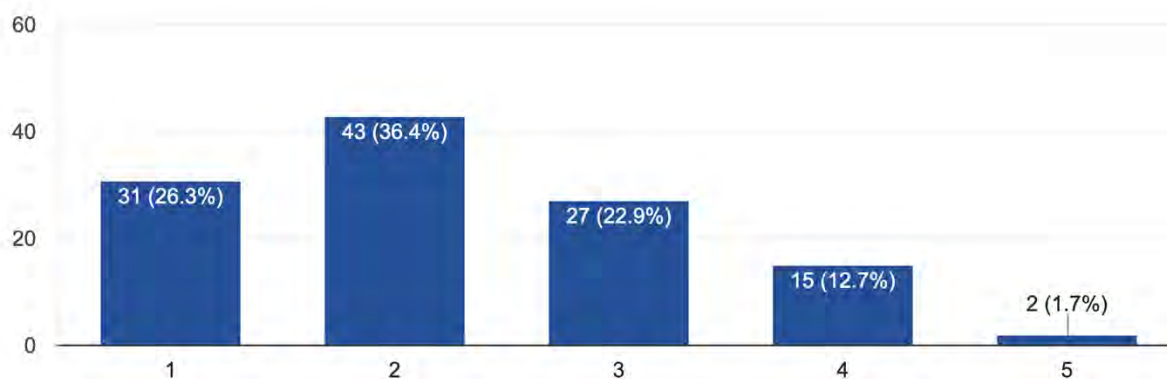
32. Integrate relational and emotional aspects into the mediation process.

118 responses



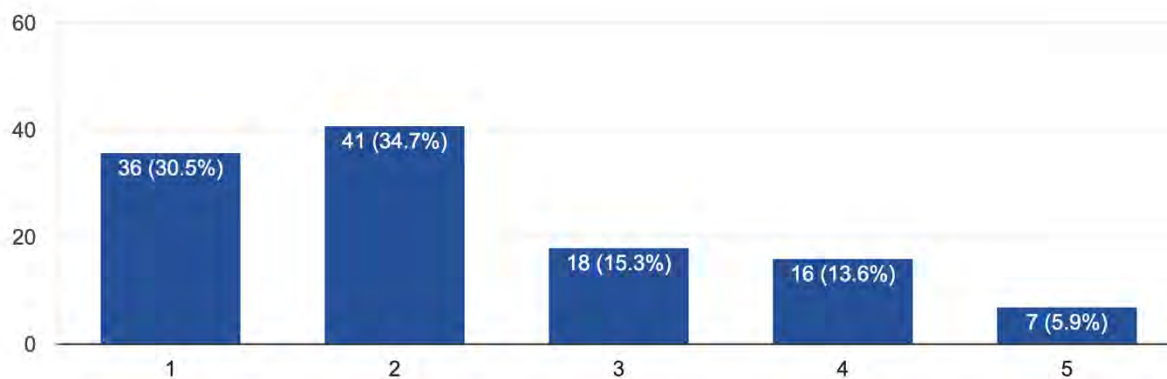
33. Help develop the possibility of empathy between parties.

118 responses



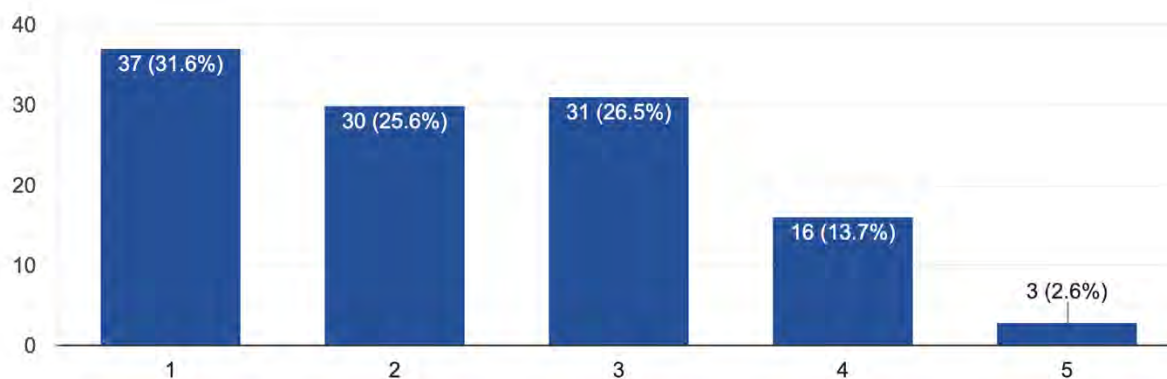
34. Give parties and attorneys a chance to influence the other side.

118 responses



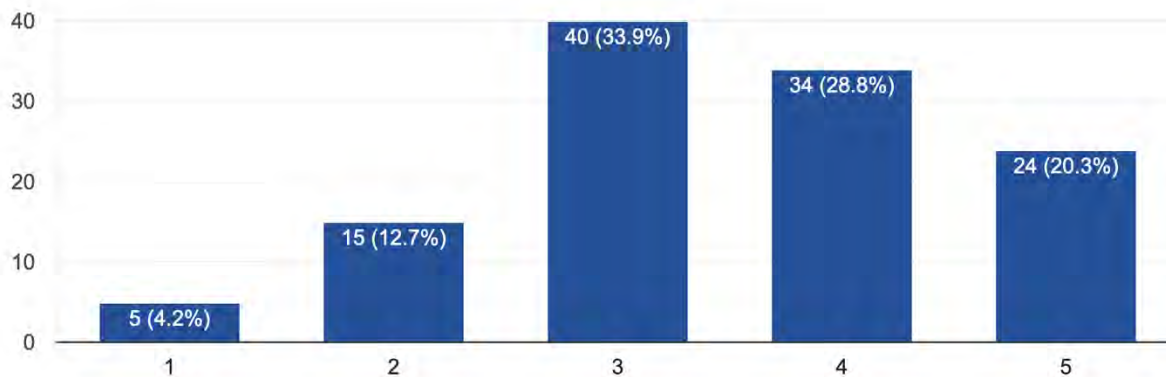
35. Get the deal done.

117 responses



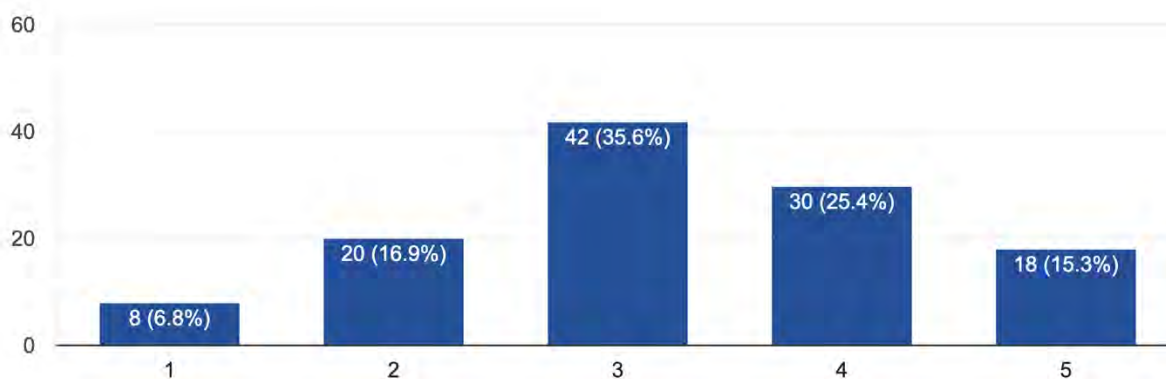
36. Minimize emotional aspect of a situation.

118 responses



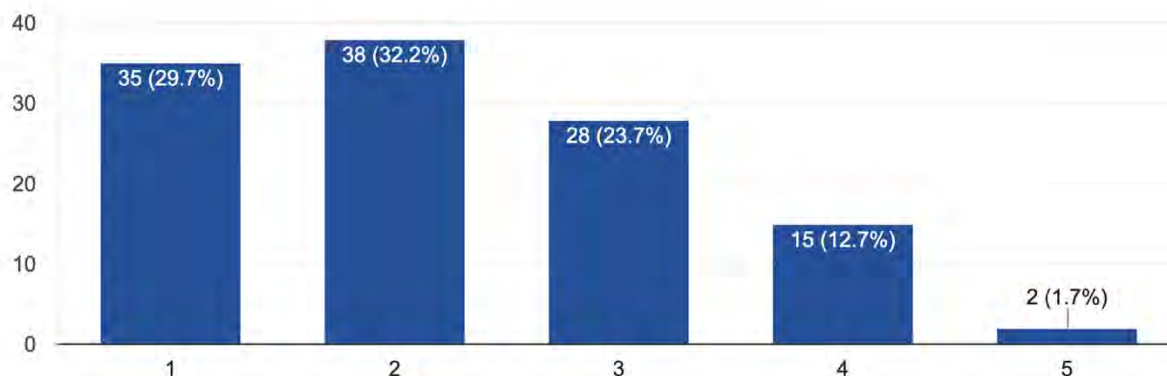
37. Satisfy the attorneys involved.

118 responses



38. Provide an efficient, predictable and professional process.

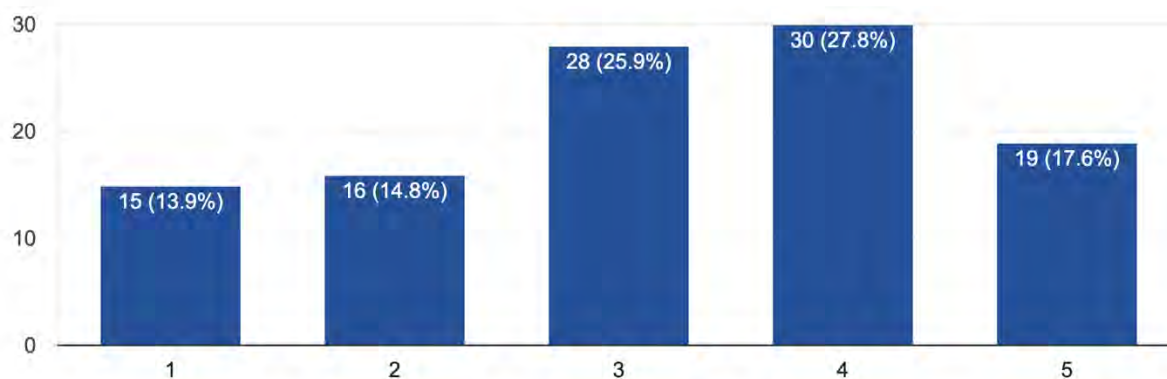
118 responses



Questions 39 through 49 ask: “When and if you prefer a mostly-caucus or caucus-only model, what are important values in a mostly-caucus or caucus-only model?” (1 = strongly agree, 5 = strongly disagree)

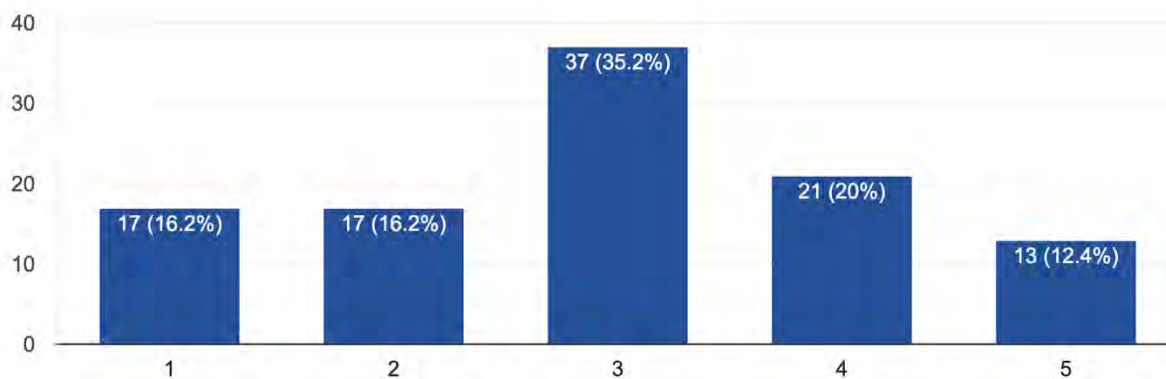
39. Develop better understanding, and possibly trust, between the disputants.

108 responses



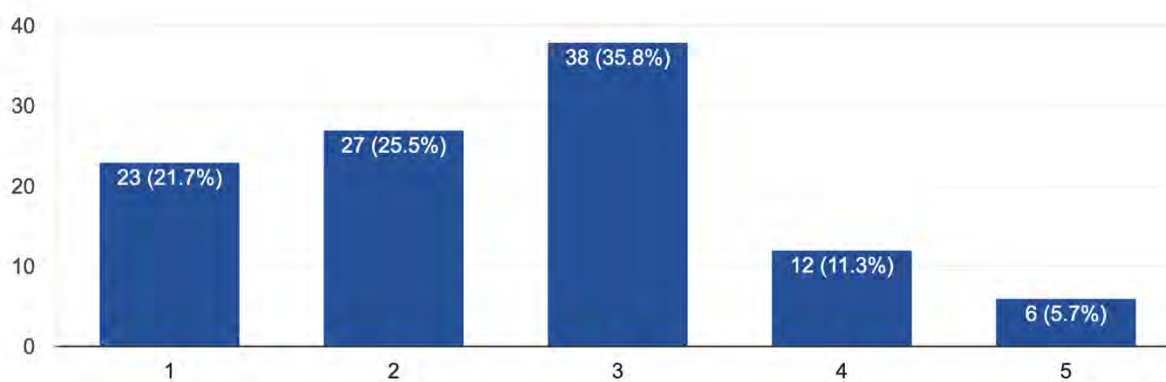
40. Develop collaboration and problem-solving with the parties.

105 responses



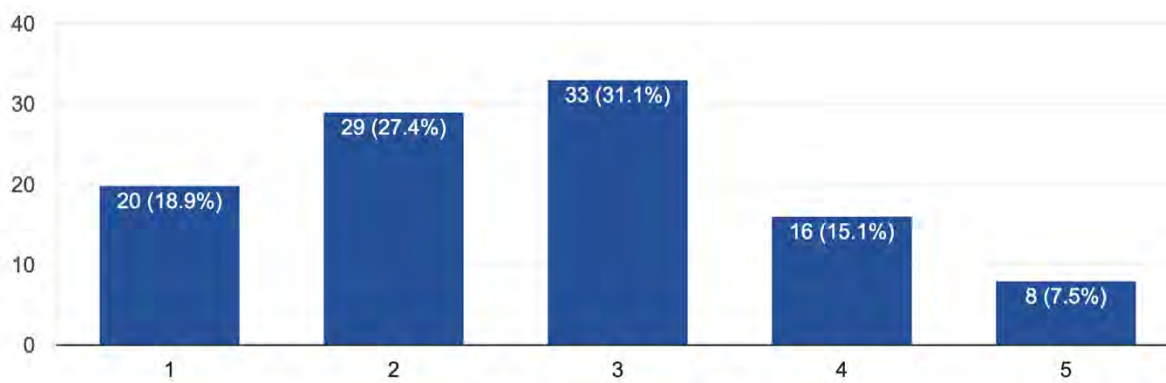
41. Develop a durable outcome.

106 responses



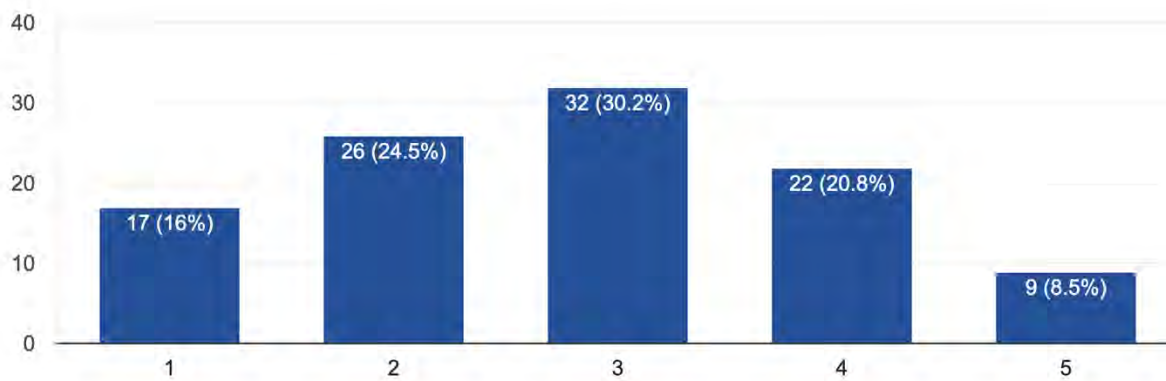
42. Enhance overall party satisfaction with fairness of the process and outcome.

106 responses



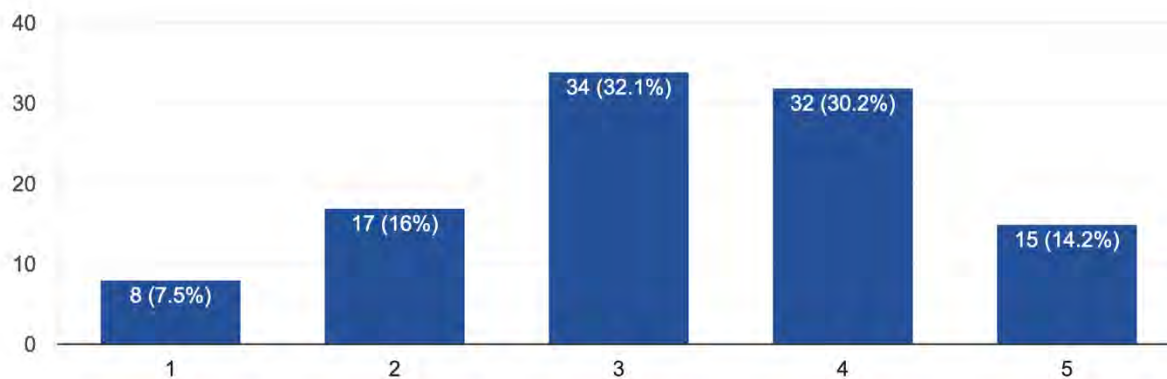
43. Integrate relational and emotional aspects into the mediation process.

106 responses



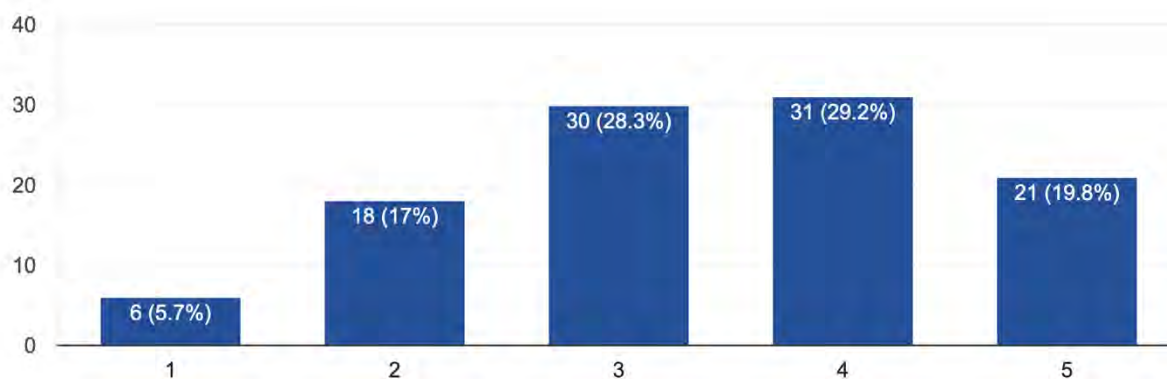
44. Help develop the possibility of empathy between parties.

106 responses



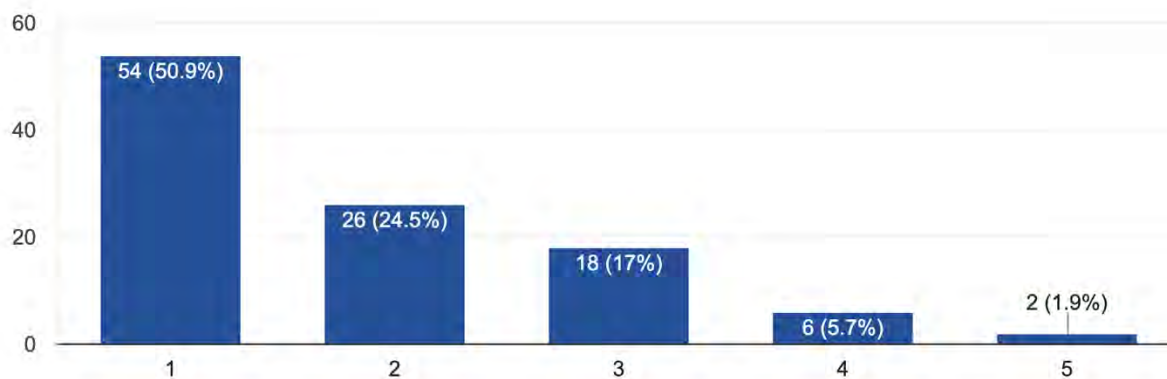
45. Give parties and attorneys a chance to influence the other side.

106 responses



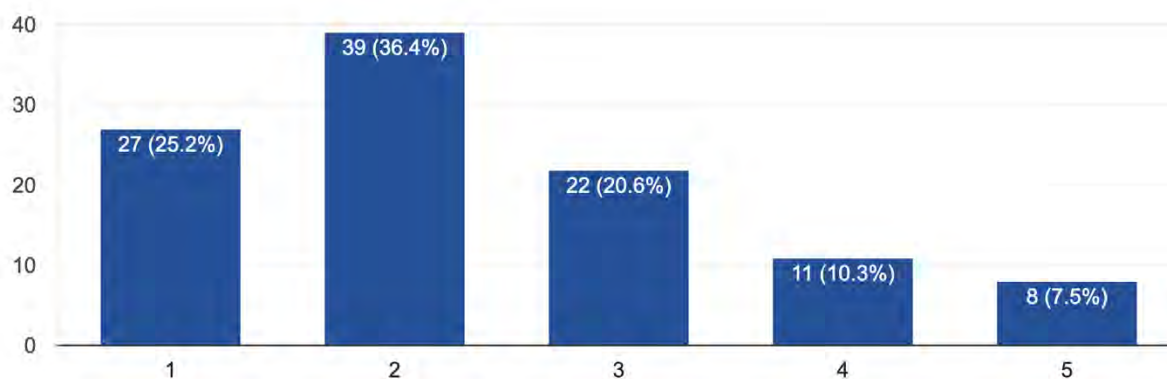
46. Get a deal done.

106 responses



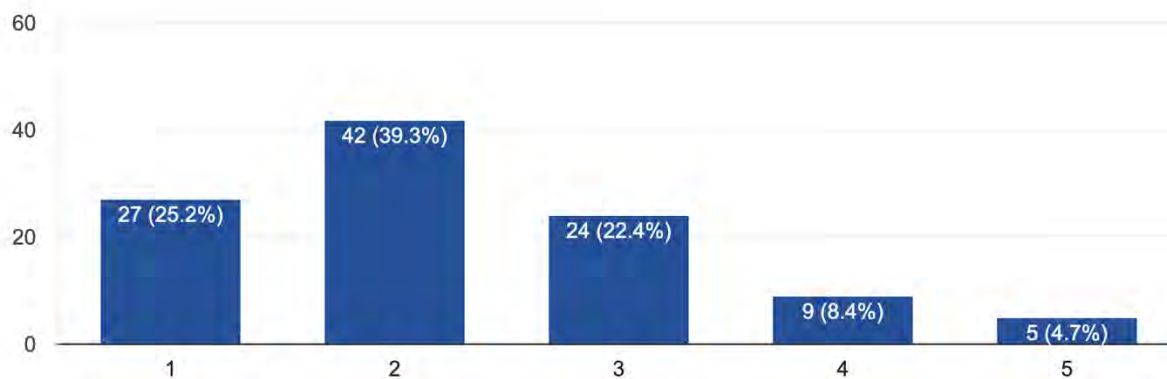
47. Minimize emotional aspect of a situation.

107 responses



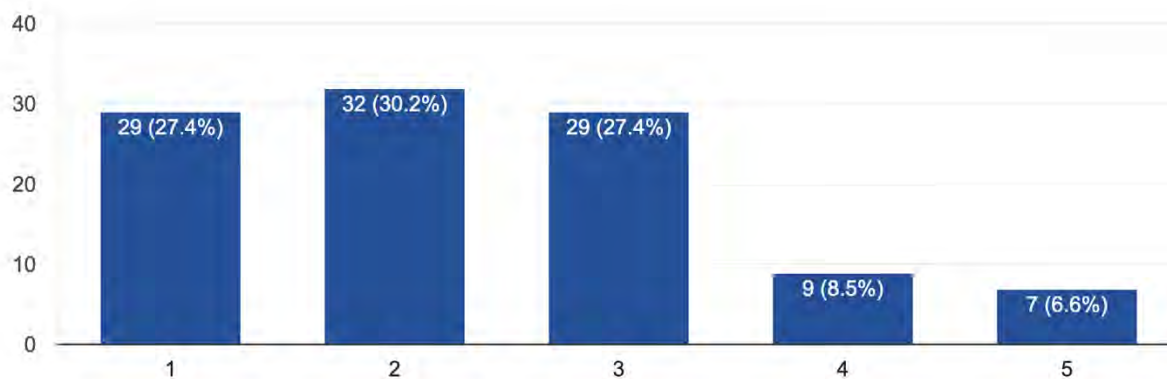
48. Satisfy the attorneys involved.

107 responses



49. Provide an efficient, predictable and professional process.

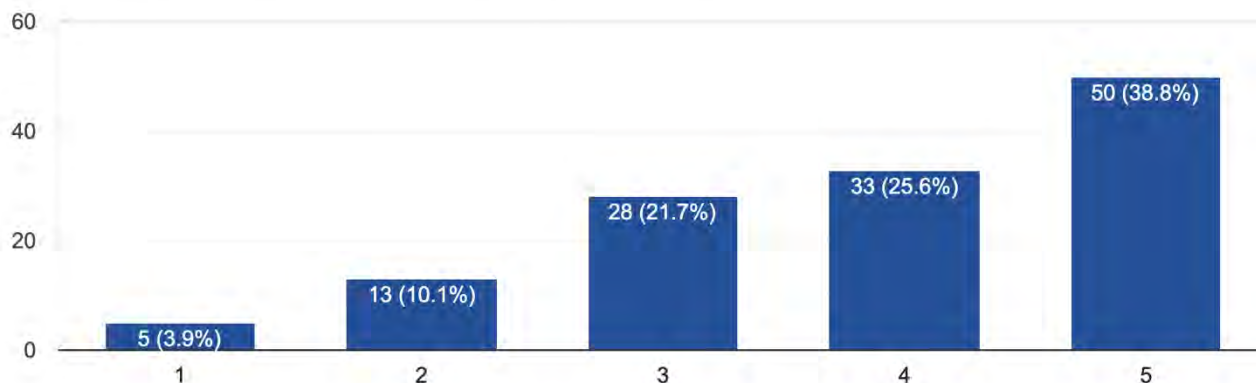
106 responses



Questions 50 through 60 ask: "To what extent do you agree with the following statements?" (1 = strongly agree, 5 = strongly disagree)

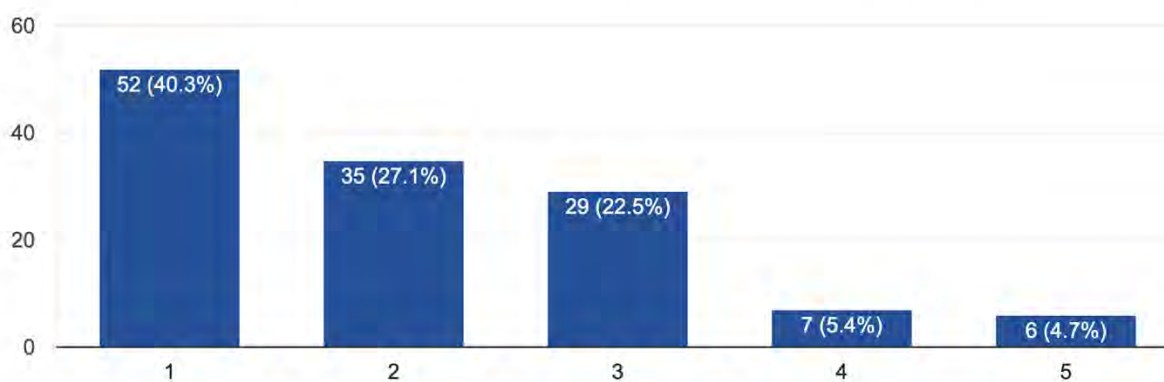
50. Most commercial mediations are dollars only, "limited pie" negotiations in which there is no place for joint session dialogue to build trust and rapport, or address emotions.

129 responses



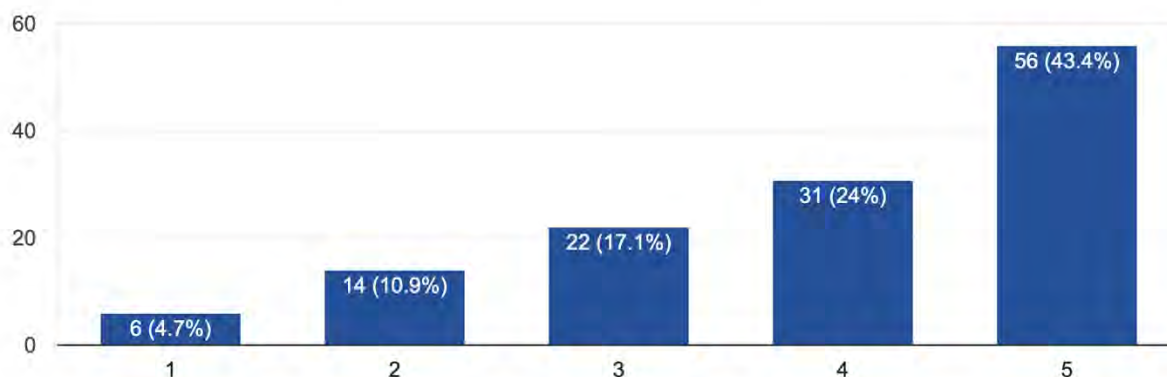
51. Even if a dispute is primarily about dollars, exploring options and problem solving are a non-monetary shared goal that merits joint discussion.

129 responses



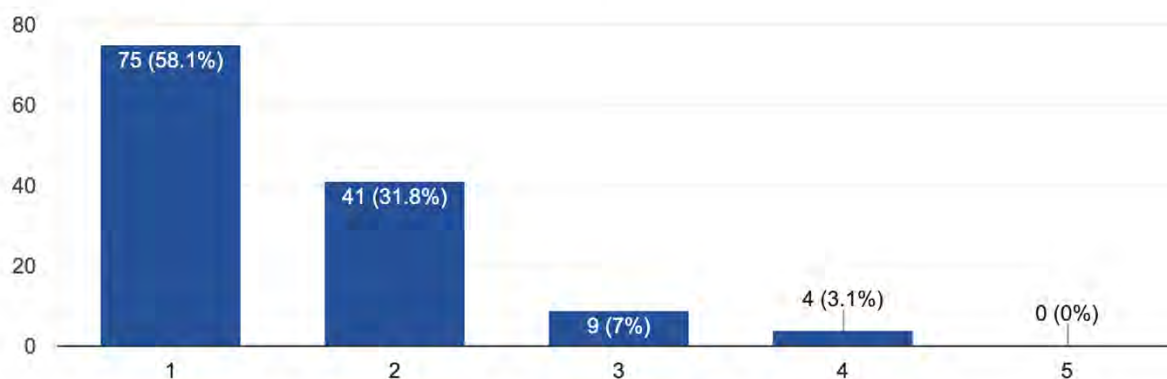
52. I see the benefit in joint sessions but am reluctant to utilize them since my market is adverse and such use may impact my business.

129 responses



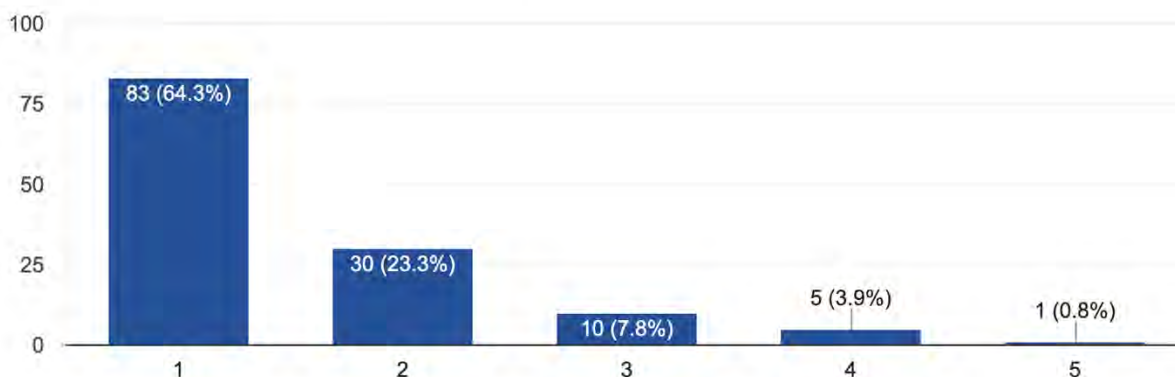
53. No matter how cut and dry a commercial dispute may appear, there are usually underlying emotional issues and relational concerns.

129 responses



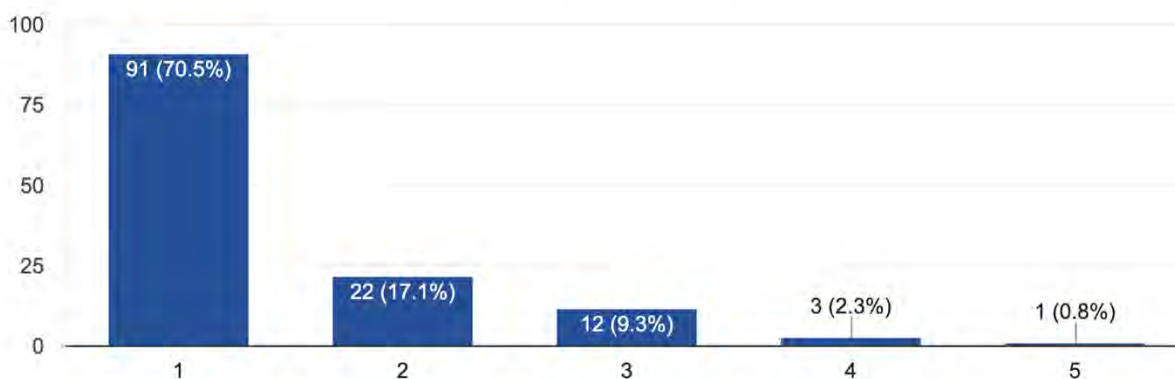
54. Notwithstanding the dangers that emotional elements present to resolution, it is important to address them in a constructive way.

129 responses



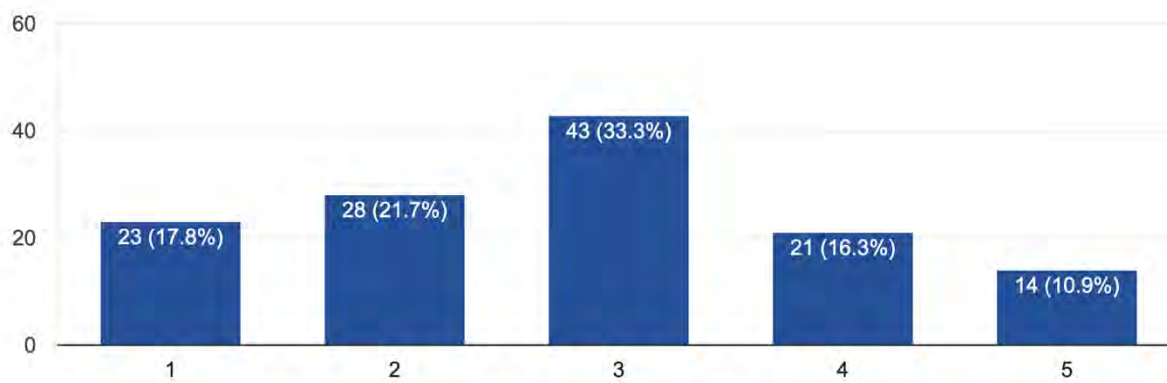
55. Emotional issues are not only confined to client-disputants. They affect other mediation participants, including attorneys and representatives.

129 responses



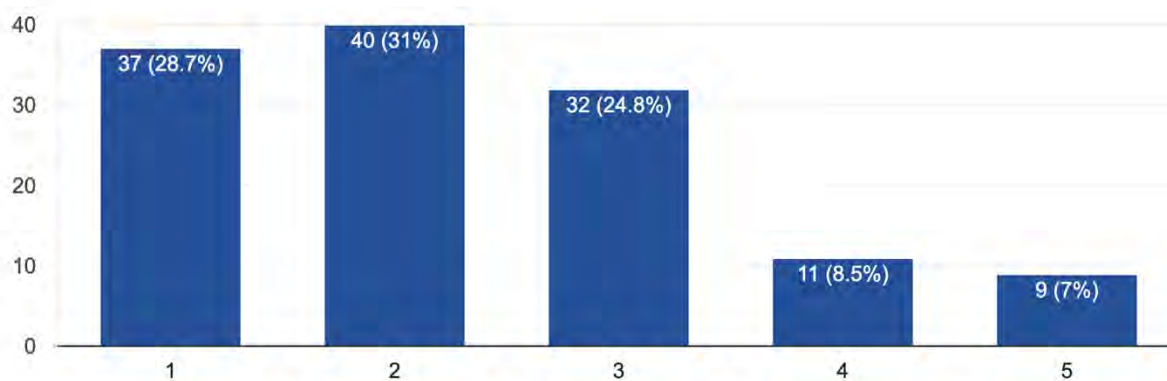
56. A joint session is an effective place to begin to deal with emotional issues.

129 responses



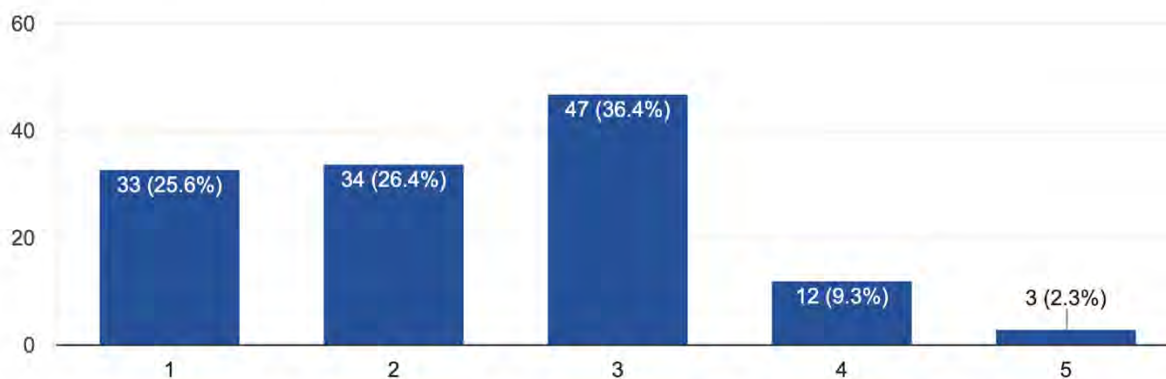
57. A joint session is an effective place to deal with trust-building and rapport.

129 responses



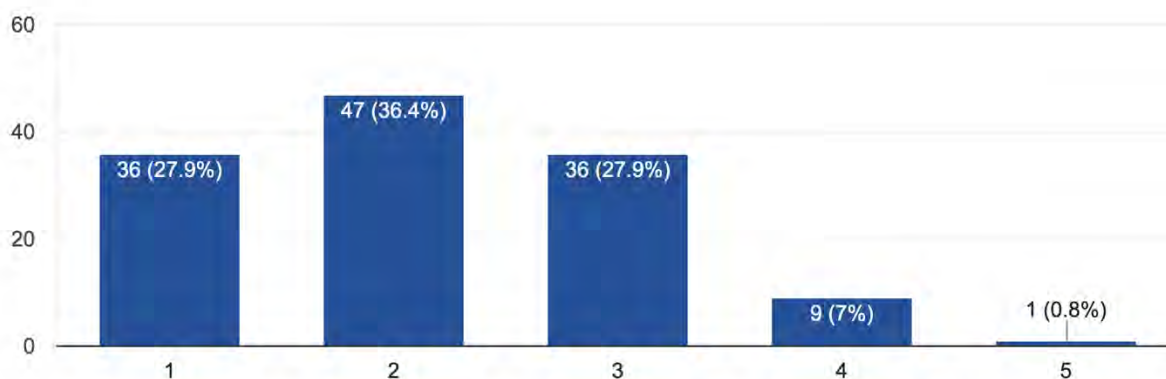
58. We do not adequately train mediators to address relational (versus transactional) issues in conflicts.

129 responses



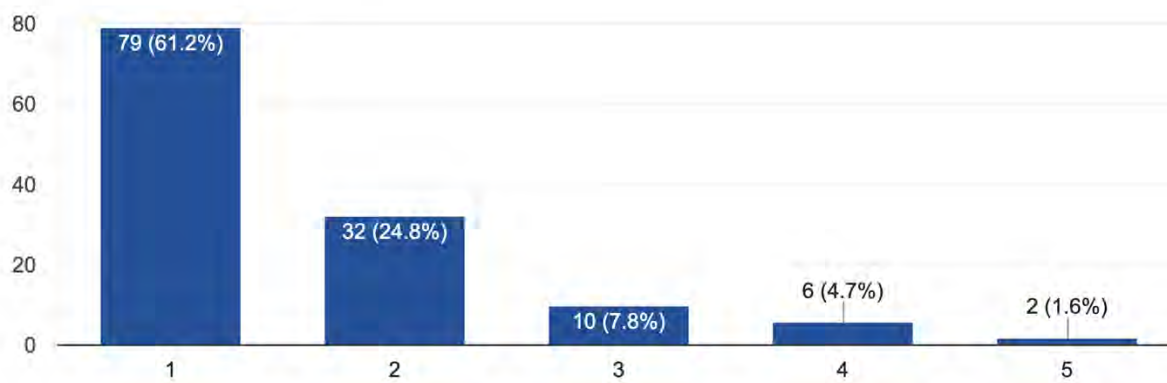
59. Lawyers are uncomfortable addressing relational (versus transactional) issues in conflicts.

129 responses



60. I think that I am adequately trained to effectively manage a joint session involving a high conflict dispute.

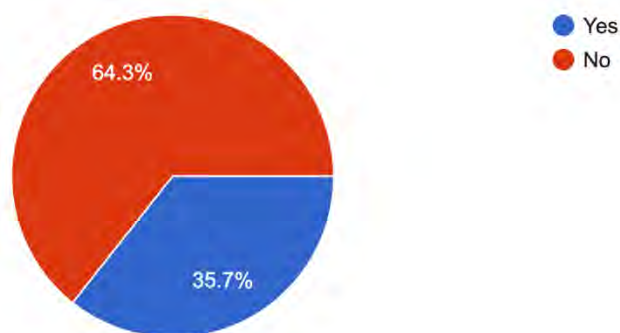
129 responses



Questions 61 through 67 ask: "Answer the following "yes" or "no.""

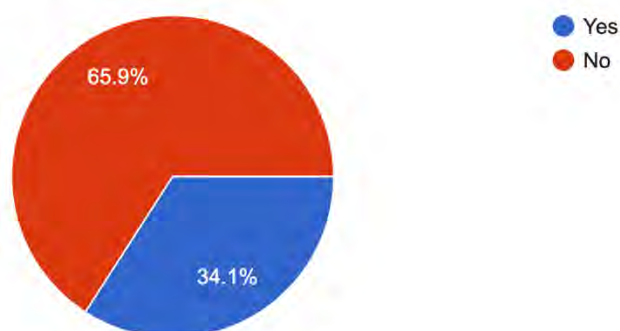
61. Do you think if you had a reputation for using joint sessions that you would lose business or market share?

129 responses



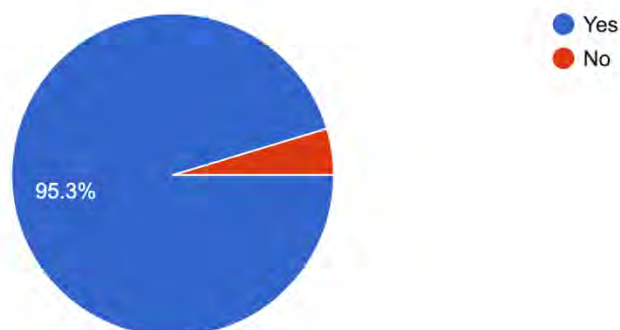
62. Does the impact of potential business loss impact your mediation process decisions?

129 responses



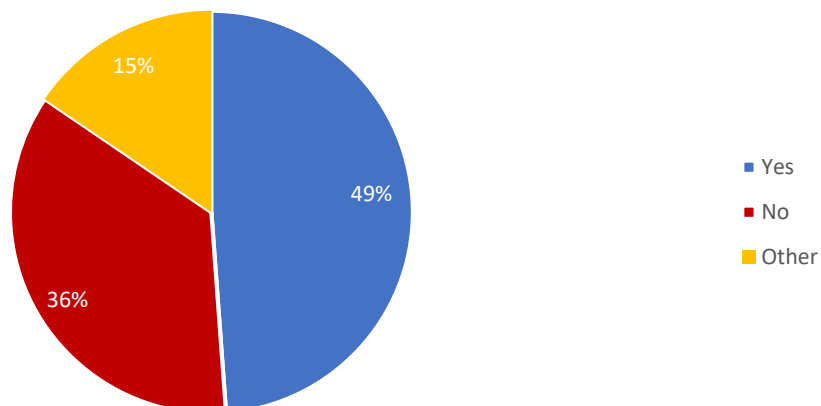
63. Do you think lawyers respect your role as a process expert?

129 responses



64. Do lawyers attempt to dictate other process decisions at mediation?

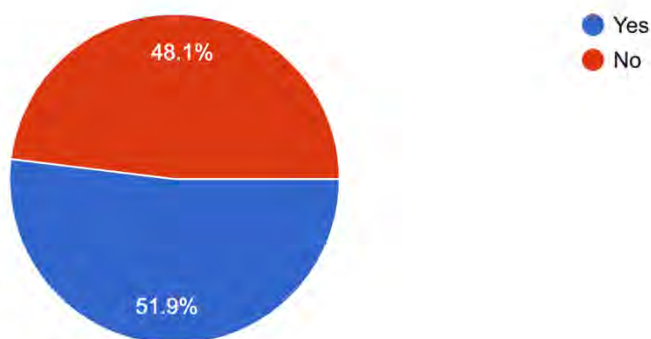
129 responses



Lawyers' attempts to dictate other process decisions include only wanting joint session or caucus, calling for joint session or caucus rather than the mediator, or denying mediators access to clients.

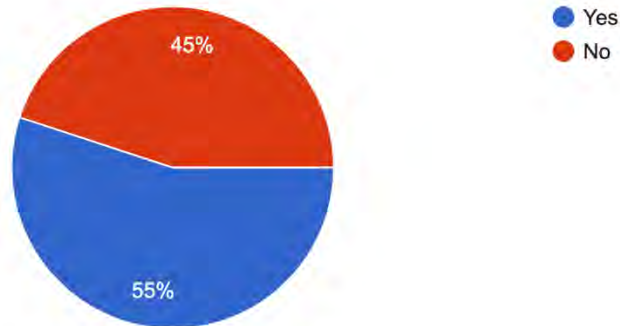
65. Do you think that lawyers consider your training, continuing education, or membership in mediation associations in their decision to retain you as a mediator?

129 responses



66. In the past five years, do you think lawyers are more outspoken about how you should conduct process?

129 responses



67. Are you enjoying mediating more or less today than you did five years ago?

129 responses

