**Writing the Mediation Summary: Items to Consider**

Focus: Settlement. Think of this document as “settlement analysis.”

Tone: Reasonable. Collaborative. Transparent. (i.e., not advocacy)

Authors: Consider inviting your client to assist you in drafting this summary.

Audience: The other side, as well as the mediator. If there are certain portions that are confidential only to the mediator, mark those in the mediator’s version and redact those from the other side’s version.

Elements to include:

**Legal claim**

Summary of the legal claim.

Relevant law.

Procedural history of the claim.

**Your perspective on this case.**

What else is this conflict about, beyond the legal claim?

What does your client need to settle this case?

In order of priority, what are the interests that are important to your client? (For example, save face, restore reputation, speedy resolution, better understanding, reconciliation, closure, etc.)

**Your understanding of the other side’s perspective.**

From what your client knows of the other side, what do you think their interests are?

Without giving up any of your own needs in this case, is there any way in which you could help the other side get any of their interests met? If so, which ones, and how?

**Impasse analysis**

Given your understanding of the conflict, how might both sides and the mediator work together to overcome the impasses to settlement?

What offers or other attempts at settlement have been made by either side?

What are some possible areas of agreement?

What impediments to settlement do you see? What suggestions do you have for overcoming those impediments? How might the mediator help in overcoming those impediments?