Quick Guide: How to Prepare a Mediation Brief

Preparing for mediation can feel intimidating. You may wonder whether you need to research the law, cite cases or write something that looks like a formal court document. A mediation brief does not need to be a complicated legal document.

What is a Mediation Brief? A mediation brief is a summary provided to the mediator before the mediation. Think of it as an introduction to the dispute. You do not need to tell every detail. Focus on the information that will help the mediator understand the situation.

A Simple Structure for Your Brief:

1. *Briefly Describe the Dispute:* Start with a short overview. A few sentences may be all that is necessary. Try to answer the basic question: Why are we going to mediation?
2. *Explain What Happened:* Provide the important facts in a logical order. A timeline helps the mediator understand the sequence of events without having to piece the story together.
3. *Identify the Main Issues:* Try to narrow the dispute to the issues that need to be resolved. This is often more useful than simply saying that the other party was "wrong."
4. *Identify the Most Important Supporting Information:* You do not need to attach every email, photograph or receipt you have. Identify the documents that explain your position. Organize your documents so the mediator can easily understand what each document shows.
5. *Explain What You Hope to Resolve:* Tell the mediator what issues you believe need to be addressed. That might include payment of repair costs, reimbursement of certain expenses, completion of work, return of property or another practical solution. You do not have to know how the dispute should settle before the mediation begins. **Be prepared to explain what is most important to you while remaining open to solutions that come up during the mediation.**

Keep it Focused: More information does not make a better mediation brief. Before including something, ask: Will this help the mediator understand the dispute or help us work toward a resolution? If the answer is no, it may not need to be included. Aim for a brief that is organized, factual, and easy to follow.

Try to avoid:

- Repeating the same argument several times
- Attacking the other party personally
- Speculating about the other person's motives
- Including large numbers of documents without explaining their relevance
- Spending pages researching and explaining legal rules

Important Note: Mediation procedures can vary. Before submitting your brief or supporting documents, check any instructions you received from the mediator regarding **deadlines, page limits and how documents should be submitted.**