

MAIL TO: ADR Program Coordinator, 3055 Cleveland Ave., Santa Rosa, CA 95403
OR FAX TO: (707) 521-6756

**SONOMA COUNTY SUPERIOR COURT CIVIL ADR PROGRAM
ATTORNEY QUESTIONNAIRE (CONFIDENTIAL)**

In accordance with Local Rule 16.4 B please submit completed questionnaire by FAX or mail *within 5 (five) days* of completion of mediation.

This *confidential* information will be used to 1) evaluate the court's mediation program and 2) to report to the court and to the Administrative Office of the Courts regarding the impact of the court's mediation program for general civil cases. Information from this form will not be shared with the trial judge, other court staff, or other participants in the mediation and will be presented only in aggregate form, without attribution to you, any of the participants, or this case.

Case Name: _____ Case Number: _____

Name of Attorney: _____ Type of Case: _____

PART I - BACKGROUND INFORMATION

- 1. How many years have you practiced law? 1-5 6-10 11-15 more than 15
- 2. Have you taken any training or courses for mediators or mediation advocates? Yes No
- 3. Total # mediations in which you served as counsel: under 5 6-10 11-25 more than 25
- 4. How many parties were there in this case?

Plaintiffs _____ Defendants _____ Cross-complainants _____ Cross-defendants _____

- 5. What is your estimate of this case in terms of (1 = low and 5 = high):

| | 1 | 2 | 3 | 4 | 5 |
|-------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Factual complexity | <input type="checkbox"/> |
| Hostility between the parties | <input type="checkbox"/> |
| Hostility between counsel | <input type="checkbox"/> |

- 6. How much money in damages, including compensatory and punitive damages, was originally sought:

Up to: \$25,000 \$50,000 \$100,000 \$500,000 \$1,000,000 **over** \$1,000,000

Complaint

Cross-complaint

- 7. Were non-monetary damages sought by any party? Yes No

PART II - BEFORE MEDIATION

Listed in questions 8 and 10 below are actions the court might have taken to encourage mediation and benefits that you might have expected from mediation. Please indicate how important you feel each of the following was to your decision to use mediation in this case. Please mark "Not Applicable" if the court did not take a listed action or if you did not expect a listed benefit.

| 8. Court Actions: | Important | Not Important | Not Applicable |
|--|--------------------------|--------------------------|--------------------------|
| Court provided information about mediation at a Case Management Conference, through the clerk's office or on the court's website | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Court provided pro bono or low cost mediation | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Court actively encouraged mediation | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

9. Please indicate any other action by the court that you feel would have helped to encourage mediation in this case: _____

10. Expected Benefits of Mediation:

| | Important | Not Important | Not Applicable |
|--|--------------------------|--------------------------|--------------------------|
| To get a better understanding of the strengths and weaknesses of the other parties' claims/defenses? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| To improve communication between the parties | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| To increase likelihood of preserving the pre-litigation relationship between the parties | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| To speed up resolution of the case | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| To resolve the case with lower litigation costs | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| To get a better outcome in the case | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| To provide my client with a reality check | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

11. Please identify any benefit that is not listed above that you expected from mediation in this case and indicate whether you received that benefit: _____

12. From your perspective:
- a. Was this case suitable for mediation? Yes No If not, why not: _____
 - b. Was the case ready for mediation? Yes No If not, why not: _____

13. How much discovery was completed before the mediation?

| | Completed | Some | None |
|------------------------------------|--------------------------|--------------------------|--------------------------|
| Exchange of documents | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Interrogatories | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Party Depositions | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Inspection Demands | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Exchange of expert witness reports | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Expert witness depositions | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

14. Was enough discovery completed to allow for meaningful negotiations? Yes No

PART III - THE MEDIATION PROCESS AND THE MEDIATOR

15. Mediators use a variety of techniques and tools to help parties to resolve their disputes. Thinking about the mediation in this case, please indicate the extent to which the mediator used or emphasized each of the following techniques, if any, and whether you think the technique was helpful in increasing the prospect for resolution of this case.

| | Helpful | Not Helpful | Not Applicable |
|--|--------------------------|--------------------------|--------------------------|
| Expressed his or her opinion about the outcome of the case or of any issue in the case | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Held private meetings with individual parties | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Engaged the parties in face to face discussions about dispute | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Helped the parties identify and consider different ways to settle the dispute | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

| | Helpful | Not Helpful | Not Applicable |
|--|--------------------------|--------------------------|--------------------------|
| Urged a party or parties to accept a specific settlement proposal | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Helped the parties to understand the adverse party's underlying needs and interests. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Helped the parties to assess the strengths and weaknesses of their own positions | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Encouraged the parties to participate directly in the mediation | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

16. Please indicate how much you agree with each of the following statements regarding the mediator in this case

| | Yes | No | Not Applicable |
|---|--------------------------|--------------------------|--------------------------|
| I had sufficient time before the mediation to adequately prepare for the mediation | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| My client and I had an adequate opportunity to explain my client's side of the story during mediation | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mediation helped to improve communication between the parties | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mediation helped move the case toward early final resolution | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mediation resulted in a fair/reasonable outcome in this case mediation | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| The cost of using mediation was affordable to my client | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| The mediation process was fair | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| I would recommend mediation to future clients | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| I would recommend this mediator to future clients | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

17. Overall, how satisfied or dissatisfied were you with each of the following:

| | | | |
|---|--------------------------|--------------------------|--------------------------|
| The mediation process in this case | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Outcome of the mediation in this case | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| The ability and performance of the mediator | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| The services provided by the court in this case | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| The total litigation process in this case from your initial involvement through the mediation | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

PART IV— CASE OUTCOME

18. Was the matter settled?

- before the mediation during the mediation after the mediation not settled

If the case settled during mediation, please complete questions 19-21 and skip question 22; if the case did not settle, please skip questions 19-21 and complete question 22.

19. Was the total dollar amount of the settlement, for or against your client

- Better than expected about as expected worse than expected

20. Was there any non-monetary relief in the settlement reached at the mediation? Yes No

21. Compared to your initial expectations about the mediation, was the outcome
 Better than expected about as expected worse than expected
22. If the case did not settle at or as a result of the mediation, please check all applicable factors that you feel were obstacles to settlement:
 Mediation was scheduled too early
 a necessary person did not participate or attended by telephone
 one or more sides appeared to lack sufficient authority to settle the case
 One or more participants, including opposing counsel (check all that apply):
 were not prepared did not appear to understand the mediation process
 did not appear to be willing to negotiate were unwilling to participate for a sufficient time
 There were language barriers or other communication problems
 The parties could not afford sufficient hours of mediation time
 Other (Please specify): _____

PART IV — IMPACT OF MEDIATION ON LITIGATION COSTS

22. To assess the cost and time impacts of mediation, please give us your estimate of the amount of time you spent on the case and the costs to your client. Total costs include attorney’s fees and all costs billed to the client but do not include amounts paid to settle the case or uncompensated losses.

- a. Approximate total Attorney Hours billed on the case _____
- b. Approximate total Client costs charged _____

23. Considering the typical litigation process, based on your experience, what additional costs will or would have been incurred to try this case?

- a. Estimated total additional attorney hours to try the case _____
- b. Estimated total additional costs client would incur to try the case _____

7. Any additional comments on the court services or the mediation would be appreciated _____
