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## MEDIATION INTAKE

**ABOUT US.** As the principals of Law/Alternatives/PLLC, we provide legal and mediation services to individuals and families across Southern Idaho. Our firm is founded on the principle of access to justice. We are committed to assisting others to resolve conflict and to achieve realistic goals and objectives quickly and efficiently.

We have a combined experience of almost 50 years and we put our expertise and knowledge to work to best help those in need of a family law attorney, divorce attorney, probate attorney, elder law attorney, estate planning attorney or a mediator. We understand that navigating challenging legal situations can be stressful without the right help. That is why we are proud to offer compassionate and effective representation for your legal concerns.

We focus on mediation of conflict as an alternative to litigation, when appropriate, to assist people to reach their goals without unnecessary litigation or expense. Although our mediation practice focuses primarily on child custody disputes and elder care issues, we appreciate the opportunity to provide assistance in other areas of conflict.

**WHAT IS MEDIATION?** The purpose of the mediation process is to assist people to work together to negotiate a mutually acceptable resolution to a dispute. Mediation has the potential to be a quick and cost-effective means of resolving disputes **and** preserving relationships.

Mediation is voluntary and confidential. The process can be ended by any of the participants at any time. With few exceptions (e.g., disclosures involving criminal conduct), communications made during the mediation may not be disclosed unless the mediator and the parties agree. In addition, the mediation process is non-binding unless, of course, each side agrees to enter into an agreement to settle their dispute as a result of participating in mediation.

The mediator is **not** serving as a lawyer for either side; she is a neutral, impartial participant helping the parties to communicate and identify their important needs and interests and reach an agreement.

**TO REQUEST MEDIATION.** Please complete this form to request mediation. The information will help the mediator understand basic issues about you and the dispute. Completing and submitting the form does not require you to participate in mediation. You will not be committed to mediate or

to pay fees until you and the others involved in the dispute agree to mediate by signing our Agreement to Mediate. If we go proceed with the mediation, we will charge fees as set forth below.

After you complete this form, we can begin the mediation process. Getting started might include some preparation by each party (finding documents, talking to the mediator individually about the dispute) before actually initiating the mediation sessions. We will also want the other parties involved in this dispute to complete their own form so that we have similar information from both of you before we start.

**LEGAL ADVICE.** It is important that you are able to make informed choices about how you deal with your dispute. As noted above, we **do not** provide legal advice to our mediation clients. If you think that you need to talk to a lawyer about your legal rights before or during the mediation, we strongly encourage you to do so.

**PART I: IDENTIFY THE PARTIES AND DESCRIBE THE DISPUTE.** Part I gives us contact information about you, a short description of the problem, and contact information about the other person or business involved in the dispute. If the dispute is already in court or in an arbitration or other legal process and you have been sent to mediation, it is very important that you let us know. It is also important to know whether or not you or the other party have retained a lawyer to help you with the dispute.

**PART II: YOUR PRIOR EXPERIENCE WITH MEDIATION OR ARBITRATION/LITIGATION.** Part II helps us structure the process and to know whether or not you have had previous experience with mediation, arbitration or litigation. Only very general information is required.

**PART III: SPECIAL ISSUES INVOLVING THE PARTIES.** In Part III we ask about language, hearing, mobility, capacity, safety or any other issues that you believe may affect the ability of the potential participants to participate in the mediation.

**PART IV: THE DISPUTE AND YOUR DESIRED RESULT.** In this Part, we will be asking you to tell us about the details of the dispute and your desired result.

**IF NEEDED, PLEASE ATTACH ADDITIONAL PAGES TO RESPOND FULLY.**

<b>ABOUT YOU</b>	<b>Your Name:</b>	
	Mailing Address:	
	E-Mail Address:	
	Telephone Number:	

<p>If you have an attorney representing you in connection with this dispute, please include their information</p>	<p><b>Your Attorney's Name:</b></p>	
	<p>Mailing Address:</p>	
	<p>E-Mail Address:</p>	
	<p>Telephone Number:</p>	
<p><b>ABOUT THE OTHER PARTY</b></p> <p>Please include any information you have. If you don't have the information, just insert a question mark in the appropriate box.</p> <p>If the other party has an attorney, please include any information you have. If you know the other party has an attorney but you don't know who the attorney is, please insert a question mark inside the "Attorney's Name" box</p>	<p><b>Name:</b></p>	
	<p>Mailing Address:</p>	
	<p>E-Mail Address:</p>	
	<p>Telephone Number:</p>	
	<p><b>Attorney's Name:</b></p>	
	<p>Mailing Address:</p>	
	<p>E-Mail Address:</p>	
	<p>Telephone Number:</p>	
<p>If you believe you are the first person to contact the mediator, have you contacted the other party to the dispute about using a mediator to resolve this issue or would you prefer we contact them for you?</p>	<p><input type="checkbox"/> I have not contacted the other party. Contact them for me.</p> <p><input type="checkbox"/> I have contacted the other party and they are not certain they want to mediate or don't want to. Contact them for me.</p> <p><input type="checkbox"/> I have contacted the other party and they seem willing to mediate. Contact them for me.</p> <p><input type="checkbox"/> I will contact the other party for the first time.</p> <p><input type="checkbox"/> I will try once more to contact the other party and ask them to mediate our dispute.</p> <p><input type="checkbox"/> I have already agreed with the other party to use mediation.</p> <p><input type="checkbox"/> I am the other party and I have agreed to mediate the dispute.</p>	

<b>CASE STATUS</b>  If a court case has been filed by you or the other party, please complete this section and provide us with a copy of all pleadings from the case that you have, including a copy of any order to mediate.  <b>DO NOT INCLUDE ANY CONFIDENTIAL OR PRIVILEGED MATERIALS FROM YOUR ATTORNEY. IF YOU HAVE ANY QUESTIONS OR CONCERNS ABOUT WHICH DOCUMENTS ARE CONFIDENTIAL OR PRIVILEGED, PLEASE CONTACT YOUR ATTORNEY IMMEDIATELY.</b>	Name of Court:
	Case No.:
	Name of Case:
	Next Hearing Date:
	Last Hearing Date and Result (if a hearing has already been held):
	Relief Requested: Money/Damages: _____ Non-Monetary Relief (e.g., injunction, other): _____ _____ _____

Please tell us what the issue is. You should check all areas that apply and describe what has occurred.

divorce/separation: \_\_\_\_\_

child custody: \_\_\_\_\_

child support: \_\_\_\_\_

property settlement: \_\_\_\_\_

other family law issue: \_\_\_\_\_

\_\_ guardianship/conservatorship: \_\_\_\_\_  
\_\_\_\_\_

\_\_ elder care: \_\_\_\_\_  
\_\_\_\_\_

\_\_ decedent's estate or trust: \_\_\_\_\_  
\_\_\_\_\_

\_\_ other: \_\_\_\_\_  
\_\_\_\_\_

**PART II: TELL US YOUR PRIOR EXPERIENCE WITH MEDIATION AND LITIGATION**

1. Have you ever been in a mediation before? \_\_ yes \_\_ no

2. If the answer to 1 is yes, what, in general, was the subject of the mediation? \_\_\_\_\_  
\_\_\_\_\_

3. If the answer to 1 is yes, what was your view of the mediation process? Did you have any concerns about the process? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Have you ever been involved in litigation (other than the present action)? \_\_ yes \_\_ no

5. If yes, what, in general was the subject of the litigation? \_\_\_\_\_  
\_\_\_\_\_

6. If yes, what was the result and what was your view of the litigation process? Did you have any concerns about the process? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PART III: SPECIAL ISSUES INVOLVING THE PARTIES**

1. Will you or the other party need English language translation assistance during the mediation? \_\_ yes \_\_ no If yes, what language(s) and will someone be able to attend the mediation who can translate or interpret for you? \_\_\_\_\_

2. Do any of the parties have any special needs that will need to be accommodated during the mediation (hearing, sight, mobility issues, etc.)? \_\_ yes \_\_ no. If yes, please describe: \_\_\_\_\_  
\_\_\_\_\_

3. Are there any capacity issues that may arise in connection with the participants (e.g., ability to understand, make decisions, etc.)?  yes  no. If yes, please describe: \_\_\_\_\_

4. Do you have any safety concerns involving the potential participants in the mediation?  yes  no. If yes, please describe: \_\_\_\_\_

4. Are you willing to meet with the other party in the same room?  yes  no.

6. Are there any other special needs or issues that we should know about?  yes  no. If yes, please describe: \_\_\_\_\_

**PART IV: TELL US ABOUT THE DISPUTE AND YOUR DESIRED RESULT**

1. Please provide a brief description of the events to date: \_\_\_\_\_

2. Please discuss what you are hoping for as a resolution of the dispute (e.g., Resolution of an issue about money? How much, and how is that amount calculated? Resolution about something other than money? Apology? Having the other party stop doing something? Start doing something? What else? What is your "ideal" result?): \_\_\_\_\_

3. What actions have you taken to resolve the dispute? \_\_\_\_\_

4. What other actions do you believe you need to take to resolve the dispute? \_\_\_\_\_

5. What actions, if any, has the other party taken to resolve the dispute? \_\_\_\_\_

6. What actions do you believe the other party should take to resolve the dispute? \_\_\_\_\_

7. What was your last contact with the other party about this dispute? \_\_\_\_\_  
\_\_\_\_\_

8. Are there any other people involved in the dispute or who have information about the dispute? \_\_\_ yes \_\_\_ no. If yes, please tell us their name, relationship to you or the other party, and describe how they are involved in the dispute. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. Who do you think needs to be at the mediation in order to resolve this dispute? Anyone besides you and (the other party or business)? Please identify. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. Will you need approval from anyone other than yourself to come to an agreement about this dispute? If so, who? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

11. What other information would you like us to know? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

12. Please provide copies of/upload any documents you believe are important. Do not give us any confidential documents yet, or privileged documents from your attorney. We will explore exchanging confidential documents once the Agreement to Mediate is signed.

13. What additional information or documents do you think that you will need to help you understand the other party's position and to resolve the dispute? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please take a moment to double check your information. You may submit your information by mail, fax, or e-mail as noted below.

THANK YOU!

*Brooke O'Neil and Sarah Scott*