

2008

Mediation Case Law Data Coding Sheet

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1. Case number: _____

2. Year: _____

3. Jurisdiction: _____

4. Case Citation: _____

5. Published Opinion: Yes No

6. Level of Court: Trial Trial/Appellate Intermediate Appellate Supreme Court

7. Type of Case: PI Malpractice K/Com Tax/Bankruptcy Family Law IDEA Employment Other Estate

8. Subject Matter Code:

A. Enforcement	Yes	No	F. Med/Arb	Yes	No
B. Sanction	Yes	No	G. Fees	Yes	No
C. Duty to Mediate	Yes	No	H. Cond. Precedent	Yes	No
D. Confidentiality	Yes	No	I. Other	Yes	No
E. Ethics/Malpractice	Yes	No			

9. Confidentiality

A. Mediator Evidence:	NK/NA	Testified	Mediator Evidence
B. Mediation Communications:	NK/NA	Oral	Written
C. Privilege or Rule Raised:	NK/NA	Upheld	Upheld in part Not Upheld

10. Sanctions

A. Sanctions Granted: Yes No NK/NA

11. Enforcement Sub-Issues

A. Agreement in Court Order:	Yes	No	NK/NA		
B. Agreement Enforced:	Yes	No	Modified in Part	Remand	NK/NA

C. Contract Issues Raised:

i. No Agreement

a. No meeting of the minds	Yes	No			
b. Agreement to Agree	Yes	No			
c. Formality:	Not in writing	Not signed		Not filed	
	Magic words	NK/NA			
d. Other	_____				

ii. Own attorney Lacked Authority Misconduct Both NK/NA

iii. Standard Contractual Defenses

a. Fraud	Yes	No	e. Unilateral Mistake	Yes	No
b. Duress	Yes	No	f. Statute of Limitations	Yes	No
c. Undue Influence	Yes	No	g. Unconscionability	Yes	No
d. Mutual Mistake	Yes	No			

iv. Mediator Misconduct

a. Conflict of interest/Bias	Yes	No	c. Undue Influence	Yes	No
b. Misrepresentation	Yes	No	d. Duress	Yes	No

v. Miscellaneous Defenses

1. Performance/breach	Yes	No			
2. Public Policy	Yes	No			
3. Contract Interpretation	Yes	No			
4. Changed Circumstances/ Party Change of Mind	Yes	No			
5. Unfair Process	Yes	No			
6. Other	Yes	No			

D. Other Enforcement Issues:

i. Class Action Approval	Yes	No
ii. Third Party Impact	Yes	No
iii. Miscellaneous	Yes	No