

DISCLOSURES CHECKLIST FOR COURT ADR MEDIATORS

1. Do you have personal knowledge of disputed evidentiary facts concerning the mediation? Yes No
- [Note: You are considered to have personal knowledge within the meaning of this paragraph if you, your spouse, or a person within the third degree of you or your spouse, or the spouse of such person is, to your knowledge, likely to be a material witness in the mediation.]
2. Have you served as a lawyer in the dispute involved in this mediation or any other proceeding involving the same issues or for any party in the present mediation or given advice to any party to the mediation upon any matter involved in this mediation? Yes No
[This question is not applicable to non-attorney mediators]
- [Note: You are considered to have served as a lawyer in the proceeding if within the past two years: (1) a party to the mediation or an officer, director, or trustee of a party was your client or a client of a lawyer with whom you have been associated; or (2) you are associated in the practice of law with any attorney in the mediation.]
3. Do you have a financial interest in the subject matter of the mediation or in a party to the mediation? Yes No
- [Note: You are considered to have a financial interest within the meaning of this paragraph if: (1) a spouse or a minor child living in your household has a financial interest, or (2) you or your spouse is a fiduciary who has a financial interest. You have a duty to make reasonable efforts to inform yourself of your personal and fiduciary interests and those of your spouse and the personal interests of your children living in your household.]
4. Are you or your spouse or a person within the third degree of relationship to you or your spouse, or the spouse of such a person, a party to the mediation or an officer, director or trustee of a party to the mediation? Yes No
5. Is the lawyer or the spouse of a lawyer in the mediation a spouse, former spouse, child, sibling, or parent of yours or your spouse? Yes No
6. Is a lawyer in the mediation associated in the private practice of law with you, your spouse, your child, your sibling or your parent? Yes No
[This question is not applicable to non-attorney mediators]
7. Do you, for any reason, believe that:
- (A) Your recusal would further the interests of justice? Yes No
- (B) There is substantial doubt as to your capacity to be impartial? Yes No
- (C) A person aware of the facts might reasonably entertain a doubt that would be able to be impartial? Yes No
[Bias or prejudice toward a lawyer in the mediation may be grounds for disqualification.]
8. Are you, by reason of permanent or temporary physical impairment, unable to properly perceive the evidence or unable to properly conduct the mediation? Yes No