## ADR Spring 2015 Jon Hyman **MEDIATION QUIZ**

\_ Your identifying mark

1. In a mediation, if the disputants can't agree on what happened and what should be done, the mediator will make the decision for them.

> \_ True \_\_\_\_ False

- 2. The primary function of a mediator is to get the disputants to make mutual concessions in their bargaining positions until they reach an agreement. \_\_\_\_ True \_\_\_\_ False
- 3. The key purpose and effect of mediation is to get disputants to resolve their disputes more quickly and less expensively than either adjudication or bilateral negotiation. True \_\_\_\_ False
- The "Riskin Grid" refers to a system for determining whether disputes are suitable for mediation. \_\_\_\_ True \_\_\_\_ False
- 5. A mediator who acts in a highly directive or evaluative manner runs the risk of undermining the disputants' self-determination. \_\_\_\_ True
  - \_\_\_\_ False
- 6. Mediation is a regulated profession, like law, architecture, and hair care, and may only be practiced by those who have been properly licensed.

7. Once the disputants agree not to disclose in court what was said in mediation, a court may not force them to disclose.

\_\_\_\_ False

True \_\_\_\_ False

- 8. The statutes, rules or case law that prevent the parties from later disclosing in court what was said in mediation do not also prevent the disputants from disclosing the mediation communications elsewhere, such as in social media or in the press. \_\_\_\_ True \_\_\_\_ False
- 9. If the disputants waive their evidentiary privilege regarding what was said in the mediation, the mediator may also be required to disclose what was said, just as a lawyer or doctor may no longer claim an evidentiary privilege if their client or patient has waived it.

\_\_\_\_ True False

10. The key ethical standards for mediators are the parties' self-determination, impartiality, confidentiality, competence and avoidance of conflicts of interest.

\_\_\_\_ True \_\_\_\_ False