



Mediation for the Design Professional

We hope you gained insight into how mediation is used to resolve claims or to further the investigation of complex issues commonly found in construction-related litigation. The AIA Trust is pleased to provide AIA members with the opportunity to earn 1.5 AIA Continuing Education System learning units (LUs) by reviewing the webinar and answering the following 10 questions. The objective of each test is to learn about risk management issues, but you don't have to ace the test to get credit. After you complete the test, write your name and member number on the completed test, scan, and email it to AIATrust@aia.org. Once we receive your questionnaire, you will be emailed an answer sheet with the correct responses and the learning credits will be added to your online transcript.

1. You cannot attempt to mediate a dispute if it is not required by your contract:
 - a. True
 - b. False

2. When parties cannot agree on a mediator each can select a mediator and in turn those mediators select the mediator that will mediate the parties' claims:
 - a. True
 - b. False

3. A mediator does not decide the outcome of a case:
 - a. True
 - b. False

4. When preparing for a mediation it's important to:
 - a. Identify key issues in the dispute
 - b. Identify key documents related to the dispute
 - c. Develop a legal strategy, including an understanding of the claims and defenses
 - d. Prepare a brief for the mediator to review
 - e. Decide the format for the mediation - e.g., duration of mediation, will there be presentations, will experts be in attendance or make a presentation, how costs will be shared
 - f. b&e
 - g. Any one of the above

5. During the mediation, there is no opportunity for the parties to each talk to the mediator alone without the other parties present:
 - a. True
 - b. False

6. Cite one overall strategy that can be utilized by way of a mediation:
 - a. Using the process as a discovery tool to gather information about the other parties' claims and evidence
 - b. Using an expert to add credibility and narrow issues
 - c. Breaking the mediation over multiple sessions to address the parties' positions and the damages components separately
 - d. Having a virtual/Zoom mediation versus an in person session
 - e. Any of the above
 - f. a, b, or c

7. The mediator will never want to talk to the actual parties during the mediation:
 - a. True
 - b. False

8. The mediator will always tell the other parties everything you tell him/her:
 - a. True
 - b. False

9. Memorializing the settlement in a formal settlement agreement that is signed by the parties and not just the attorneys is the first step that needs to be taken after a successful mediation:
 - a. True
 - b. False

10. If mediation fails, then the parties can disclose what occurred during the failed mediation, without any exceptions:
 - a. True
 - b. False