
AI WORKSHOP

Exercise 1: Create a Mediator Bench Memo Using AI

Purpose

The purpose of this exercise is to show how AI can help a mediator turn lengthy party materials into a concise, neutral, practical preparation document for use before the mediation session.

Materials

Use only the materials provided for the workshop:

- Case summary for **Wilhemina Brown v. Jarrold Green**
- Plaintiff's confidential pre-mediation brief
- Defendant's confidential pre-mediation brief

Do **not** add outside facts, legal research, or assumptions not grounded in the materials.

Task

Using an AI tool, prepare a **mediator-only bench memo** for this case.

Your memo should help a mediator prepare quickly and should be written in a **neutral, practical, non-advocacy tone**.

Your bench memo should include

1. **A short case overview**
2. **Agreed or largely undisputed facts**
3. **Main disputed issues**
4. **Strongest point for the plaintiff**
5. **Strongest point for the defendant**

6. **Biggest litigation risk for each side**
7. **Key valuation drivers**
8. **Likely emotional or relational dynamics**
9. **Likely barriers to settlement**
10. **Suggested first steps for the mediator**

Length

Keep the bench memo to **one page**, or about **500 to 700 words**.

Instructions

1. Read the case summary and both confidential briefs.
2. Prompt the AI to generate a neutral mediator bench memo.
3. Review the AI output critically.
4. Edit the output as needed so that it:
 - remains neutral;
 - reflects only the supplied facts;
 - avoids party advocacy language;
 - highlights what matters most for mediation;
 - would actually be useful to a mediator preparing for session.

Suggested prompt

You may use this prompt or create your own:

“Using the attached case summary and confidential pre-mediation briefs, prepare a one-page mediator-only bench memo in neutral language. Identify the agreed facts, disputed issues, strongest points for each side, biggest risks for each side, key valuation drivers, likely emotional dynamics, barriers to settlement, and suggested initial mediation focus. Do not invent facts. Do not advocate for either side. Keep it practical and concise.”

Deliverable

Be prepared to share:

- your final bench memo; and

- one thing the AI did well; and
- one thing you had to correct, refine, or remove.

What to watch for

As you review the AI output, ask yourself:

- Did it stay grounded in the supplied materials?
- Did it preserve the difference between **causing the collision** and **causing the extent of the injuries**?
- Did it remain neutral?
- Did it miss any important issue?
- Did it overstate confidence on valuation or trial outcome?
- Would this actually help a mediator prepare?

Time suggested

- **10 minutes** to generate and refine the memo
- **5 minutes** to compare with others or prepare to report back

Debrief questions

After the exercise, be ready to discuss:

1. What did the AI identify quickly and effectively?
2. What did the AI flatten, oversimplify, or miss?
3. What edits were necessary to make the memo genuinely mediator-useful?
4. What parts of this task still required human judgment?