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# AI WORKSHOP

## Exercise 3: Draft Five Caucus Questions for Each Side Using AI

### Purpose

The purpose of this exercise is to show how AI can help a mediator generate focused, efficient, neutral questions for use in caucus with each party.

This exercise is designed to help participants explore one of the most practical uses of AI in mediation preparation: improving question design.

### 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, draft:

- **five caucus questions for plaintiff's counsel**, and
- **five caucus questions for defendant's counsel**

The questions should help a mediator test each side's assumptions, explore litigation risk, and move the discussion toward realistic settlement analysis.

### Goal

Your questions should not sound like cross-examination or advocacy. They should sound like questions a thoughtful mediator would actually ask in caucus.

### **The questions should aim to do one or more of the following**

- identify the real value-driving issues;
- test confidence in expert evidence;
- explore the effect of the seatbelt issue;
- examine the significance of the pre-existing deviated septum;
- clarify best-case, likely-case, and worst-case assumptions;
- encourage realistic risk analysis;
- support movement toward settlement.

### **Instructions**

1. Review the case summary and both confidential briefs.
2. Prompt the AI to generate five caucus questions for each side.
3. Review the questions critically.
4. Revise them as needed so that they:
  - are neutral in tone;
  - are concise and practical;
  - are tailored to this case;
  - are likely to produce useful answers in mediation;
  - avoid turning the mediator into an advocate or evaluator.

### **Suggested prompt**

You may use this prompt or create your own:

“Using the attached case summary and confidential mediation briefs, draft five concise caucus questions for plaintiff’s counsel and five concise caucus questions for defendant’s counsel. The questions should be framed in a neutral mediator voice and should focus on testing litigation risk, expert confidence, the seatbelt issue, the pre-existing condition issue, damages valuation, and realistic settlement expectations. Do not invent facts. Do not use advocacy language.”

## **Deliverable**

Be prepared to share:

- your five questions for the plaintiff;
- your five questions for the defendant;
- one question the AI generated that you would use with little or no change; and
- one question that needed revision to make it sound more like a mediator.

## **What to watch for**

As you review the AI output, ask yourself:

- Do the questions sound neutral?
- Are they likely to produce insight rather than defensiveness?
- Are they short enough to be usable in a live mediation?
- Do they test risk rather than invite argument?
- Do they focus on the issues that actually drive settlement value?
- Would you feel comfortable asking them in caucus?

## **Time suggested**

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

## **Debrief questions**

After the exercise, be ready to discuss:

1. Which AI-generated questions felt most mediator-like?
2. Which ones sounded too much like cross-examination?
3. Did the AI focus on the right issues?
4. What did you have to change to make the questions more useful in practice?
5. How might you sequence the questions differently in a real mediation?