



STAGES OF PROBLEM SOLVING MEDIATION

Basic Mediation Training
Manouso Mediation 2007

STAGE ONE

- Establish relation with the disputing parties.
 - Maintain neutrality.
 - Shake hands and welcome parties by name.
 - If this is not a prepared/panel mediation, email each party and provide them with information on where the mediation will be held and what to expect on the day of mediation.
 - Advise them on materials to bring to mediation.
 - Ask if they will be bringing anyone with them to the session, such as attorney, friend, family member.

STAGE TWO

- Select a strategy to guide mediation.
 - Decide which style of mediation will be the best.

STAGE THREE:

- Collect and analyze background information.
 - Review the provided materials, if brought in advance.
 - Ask if you can review the materials, before the mediation starts.
 - Become familiar with the fact/intake information.

STAGE FOUR

- Design a detailed plan for mediation.
 - This step is used mostly in large, multi-party mediations.
 - This plan could include a timeline for the mediation and facilitation needed which includes the various parties and special interest stakeholders to the conflict.

STAGE FIVE

- Build trust and cooperation.
 - Introduce yourself and establish your credentials and interest in helping the parties through the mediation process.
 - Ask how they want to be addressed. (Titles might be dropped for balancing power.)
 - Read and sign the *Agreement to Mediate*.
 - Read and sign the *Confidentiality Statement*.
 - Explain the mediation process and hospitality logistics.
 - Check for weapons.
 - Thank parties and affirm their good will to mediate in good faith.

STAGE FIVE: GROUND RULES

- Establish ground rules.
- Ask the parties to suggest and establish any ground rules.
- Get party agreement on ground rules.
 - Courtesy and respect expected.
 - Note taking.
 - No interrupting when a party talks.
 - Repeat Confidentiality.
 - Ask who will begin.
 - The potential for caucusing, ie. separate meetings.
 - Do parties have any questions on the process?

STAGE SIX

- Begin the mediation session.
 - Each party speaks with interruption and tells their story.
 - If they start repeating and not moving forward in the story, mediator starts clarification and summarizing.

STAGE SEVEN

- Define issues and set an agenda
 - Use a board or flip chart.

STAGE EIGHT

- Uncover hidden interests of the disputing parties.
 - Use reframing, clarification open-questions, summary, and reflection. (in any order)

STAGE NINE

- Generate options for settlement:
 - Ask if the parties would like to caucus.
 - Put options on flip chart.
 - Facilitate discuss that evokes options to explore.
 - Suggest thinking outside the box. List all options.

STAGE TEN

- Assess options for settlement.
 - Edit options and play devil's advocate.
 - Narrow down options.
 - Praise the parties in their progress.

STAGE ELEVEN

- Negotiate final bargaining.
 - Make sure that you have negotiated each issue of concern.
 - Stand back and review each option.
 - Reality test the options.

STAGE TWELVE

- Achieve formal settlement.
 - The settlement must be in writing, if there is tangible value. Add enforcement options.
 - Suggest apologies and thank you affirmations.
 - Let the parties physically write it. Each party gets a copy to take home with their *Agreement to Mediate* and *Confidentiality Statement*.
 - Thank parties for mediating in good faith and achieving an agreement.

IN CONCLUSION

- Relax.
- Breathe.
- Be prepared with ongoing training and workshops.
- Know that you are there as a mediator because you are trained to do so and you can make a difference in someone's life.

THANK YOU!

