

# MEDIATION STEPS

## 1. INTRODUCTION

WELCOME – GIVE INFORMATION

## 2. FIRST JOINT SESSION (everyone together)

GET INFORMATION – WHAT HAPPENED?

MEDIATOR BREAK – MAKE A PLAN

## 3. FIRST PRIVATE SESSIONS (each person alone)

GET INFORMATION – WHAT'S THIS BEEN LIKE?

MEDIATOR BREAK – MAKE A PLAN

## 4. LATER PRIVATE SESSIONS (each person alone)

TRANSMIT INFORMATION – WHAT DO YOU WANT TO DO?

MEDIATOR BREAK – MAKE A PLAN

## 5. LAST JOINT SESSION (everyone together)

LOOK AT OPTIONS – DECIDE WHAT TO DO

## 6. WRITE AGREEMENT

WIN-WIN, BALANCED, CLEAR, SPECIFIC, WORKABLE

## MEDIATION PROCESS

- WHAT HAPPENED?

JOINT SESSION

- WHAT'S THIS BEEN LIKE?

FIRST PRIVATES

- WHAT DO YOU WANT TO DO?

LATER PRIVATES

- HERE'S WHAT YOU AGREE TO

LAST JOINT and AGREEMENT WRITING

\*A MEDIATOR IS EDUCATED BY THE PARTIES

\*MANAGE THE PROCESS – NOT THE OUTCOME

\*ALWAYS ADHERE TO THE MEDIATION PRINCIPLES

## SETTING THE STAGE FOR THE MEDIATION

- BUILD TRUST
  - Be Calm, Courteous, Concerned, Competent
  
- SET TONE
  - Stand Up
  - Introduce Self
  - Shake Hands
  - Make Direct Eye Contact
  - Smile and Relax
  - Explain that the Process is Informal
  - Ask Parties to Try to Relax
  - Address Comfort Needs and Any Time Constraints
  
- MANAGE PROCESS
  - Identify Parties and Their Relationship to the Case
  - Confirm Parties' Power to Negotiate
  - Seat Parties Accordingly
  - Ask Permission to Use First Names
  - Make Sure Everyone Has Pencil and Paper
  - Give Introduction