

PRINCIPLES OF MEDIATION

- **VOLUNTARY**

- *AGREE TO PARTICIPATE
- *RIGHT TO WITHDRAW
- *ALL DECISIONS MADE FREELY

- **INFORMED CONSENT**

- * ABOUT THE PROCESS
- *ABOUT RIGHTS, OPTIONS, RESOURCES
- *CAPABLE TO PARTICIPATE

- **CONFIDENTIAL**

- *MEDIATORS WON'T DISCUSS OUT OF SESSION
- *MEDIATORS WON'T REPEAT PRIVATE INFO IF ASKED NOT TO

- **NEUTRAL**

- *MEDIATORS WON'T SHOW BIAS IN WORD OR DEED

- **SELF-DETERMINATION**

- *PARTIES HAVE THE RIGHT AND ABILITY TO SOLVE THEIR OWN DISPUTES

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*

MEDIATION PROCESS – STEP 1 INTRODUCTION

- Welcome. Thanks for agreeing to try mediation. Is it okay if we use first names?
- Our goal is to learn what's important to you, help you understand each other, and talk about your options.
- As mediators we don't take sides, decide right and wrong, or give advice. You make all the decisions about what to do. If at any time you feel we are not being neutral, let us know, so your concerns can be addressed.
- We start with you briefly telling us what happened.
Next, we take a short break to go over our notes.
Then, we'll meet with each of you privately to learn more.
Finally, we'll have everyone back together to write up an agreement or discuss next steps.
- This is Voluntary – You can withdraw at any time.
It's Confidential – We won't discuss things outside this room or repeat information from private sessions if asked not to.
- We take notes to keep track of things, and so can you.
- We ask that only one person speak at a time.
- Any questions?
- Now we're going to ask each of you to tell us what happened from your point of view. At this point, your stories may be very different. Don't worry about that.