

## 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.

## MEDIATION PROCESS – STEP 2 FIRST JOINT SESSION

- **ASK: “WHAT HAPPENED?”**
  - Let each person tell their story
  - Do not interrupt
  
- **SUMMARIZE:**
  - After each person speaks
  - Identify the theme
  - So for you, this is about...and you said...
  - Don't do a chronological summary
  - Keep the summary to only 2-3 sentences
  - Drop inflammatory language
  - Check-in: “Is that right?”
  
- **TASK: THINK ABOUT WHAT'S MOST IMPORTANT TO YOU**

~ TAKE A MEDIATOR'S BREAK ~

## FIRST JOINT SESSION WORKSHEET

So, (Party A) \_\_\_\_\_, for you this is about...

And you said:

\*  
\*  
\*

Is that right?

So, (Party B) \_\_\_\_\_, for you this is about...

And you said:

\*  
\*  
\*

Is that right?

**TASK:** Think about what's most important to you.

## MEDIATION PROCESS – STEP 3 FIRST PRIVATE SESSIONS

- WELCOME BACK/THANKS FOR WAITING
- REMIND ABOUT CONFIDENTIALITY  
If there's anything you don't want us to share with (name of other party), let us know. Otherwise, we will use the information to help you reach an agreement.
- ASK: WHAT'S THIS BEEN LIKE FOR YOU?  
Ask follow-up questions. Reflect back their feelings.
- ASK ABOUT: \*Remember to include follow-up questions & reflecting.
  - THEIR ISSUES – Tell us more about...
  - RELATIONSHIP – How do you know each other?
  - COMMUNICATION – Tell us about your past communication.
  - THE USUAL – How do you usually handle these things?
  - ANYTHING TO ADD?
  - OTHER PARTY'S ISSUES – If not already addressed.
- SUMMARIZE ISSUES and FEELINGS  
Prioritize Issues – Ask which is most important.
- CHECK-IN: Anything we can't repeat?
- TASK: Think about ways to resolve this.

~ TAKE A MEDIATOR'S BREAK ~

LISTEN TO 2<sup>nd</sup> PARTY IN SAME WAY  
DON'T TRANSMIT OTHER PARTY'S INFO  
YOU CAN LINK POSITIVES/AGREEMENTS

# 1<sup>st</sup> PRIVATE MEDIATOR'S BREAK WORKSHEET

• Decide which party to call in: \_\_\_\_\_

• Decide who will do what:

Welcome Back & Remind About Confidentiality  
If there's anything you don't want us to share with (name of party), let us know.  
Otherwise, we will use the information to help you reach an agreement.

Ask: What's this been like for you?  
Then reflect and ask follow-up questions.

Ask about Party's Issues:

1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_

If relevant, ask about:

Relationship

Communication

(If a Business) How do they usually handle things?

If they have anything to add?

Other Party's issues: \_\_\_\_\_

Summarize issues & feelings

Ask: What's most important?

Check-In: Anything we can't repeat?

Task: Think about ways to resolve this.

## MEDIATION PROCESS – STEP 4 LATER PRIVATE SESSIONS

- LIST PARTY'S ISSUES

Check-in to make sure you have it right

- TRANSMIT RELEVANT INFORMATION

Do you want to hear what the other party (name) had to say?

**\*PAUSE TO ALLOW PARTY TO PROCESS INFO\***

- ASK FOR THEIR IDEAS ON RESOLUTION

- TRANSMIT OTHER PARTY'S OFFERS

- ASK: WHAT DO YOU WANT TO DO?

- Reality test their ideas – are they doable?
- Summarize offers – clarify and get specifics

- CHECK-IN: ANYTHING WE CAN'T REPEAT?

- TASK:

If this won't work for the other person, think about what you can live with

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~ TAKE A MEDIATOR'S BREAK ~

To prepare to bring everyone back together. Decide how to:

- Set the Stage
- Review Agreement Points
- Deal with Impasse
- Determine who will do what

~ TAKE A MEDIATOR'S BREAK ~  
To prepare to bring everyone back together.  
Decide how to Set the Stage, Review Agreement Points,  
Deal with an Impasse, Determine who will do what.

## MEDIATION PROCESS – STEP 5 LAST JOINT SESSION

A.

- SET THE STAGE
  - \* Link things/feelings in common
  - \* Share positives and apologies
- REVIEW AGREEMENT POINTS
  - \* Summarize where they are
  - \* Get specifics
  - \* Encourage them to talk to each other

\*\*\*\*\*OR\*\*\*\*\*

B.

- DEAL WITH IMPASSE – IF NECESSARY

We brought you back together because it's our best chance for progress.  
We'll tell you where you are and then talk about your options.

- \* Link things/feelings in common
- \* Share positives and apologies
- \* Summarize where they are
- \* Discuss options
- \* Look at consequences of no agreement
- \* Ask them what they want to do

## MEDIATION PROCESS – STEP 6 AGREEMENT WRITING

**PARTIES TELL YOU WHAT TO WRITE.  
GUIDE THEM TO KEEP IT:**

- SIMPLE – SHORT
- CLEAR – NEAT
- POSITIVE – NEUTRAL
- BALANCED
- SPECIFIC
- WORKABLE
- DURABLE

- \* READ OUTLOUD
- \* EVERYONE SIGNS & GETS A COPY
- \* SHAKE HANDS
- \* CONGRATUALTIONS – THANK YOU – GOOD LUCK