

OUTLINE OF MEDIATION STAGES

A. Introduction:

1. Purpose:

- a. Explain the mediation process
- b. Gain parties' trust

2. Mediator's Role:

- a. No power to decide case
- b. Mediators help parties reach their own agreement
- c. Confidentiality
- d. Set ground rules

B. Initial Joint Session:

1. Purpose: gather information

- a. General facts
- b. What parties want, their fears, concerns: Positions and interests

2. Mediator's role:

- a. Ask open ended questions
- b. Listen actively
- c. Show empathy
- d. Control hostility
- e. Manage interaction (role of venting and silence)
- f. Use communication tools: summarization, elaboration, message feedback, partitioning and reframing

C. Initial Private Sessions:

1. Purpose:

- a. Gather information (elicit sensitive facts and interests)
- b. Develop options

2. Mediator's Role:

- a. Start with issues important to the party
- b. Ask open ended questions
- c. Listen actively
- d. Show empathy

- e. Check positions
- f. Do reality testing
- g. Use communication tools: summarization, elaboration, message feedback, partitioning and reframing

D. Subsequent Sessions:

- 1. Purpose:
 - a. Move parties towards agreement
 - narrow options
 - consider alternatives to agreement
- 2. Mediator's role:
 - a. Be more active
 - b. Transmit information
 - c. Use hypothetical questions: what ifs
 - d. Ask questions about parties' positions
 - e. Use subtle persuasion

E. Final Joint Session:

- 1. Clarify agreement
- 2. Acknowledge no agreement; or
- 3. State partial agreement and clarify remaining issues in dispute