

***30-HOUR GENERAL
MEDIATION SKILLS TRAINING***



HOUSE CLEANING

ZOOM:

DROPBOX:

GOOGLE FORMS:



INTRODUCTIONS



You, your background

Experience with
mediation/negotiation

Questions you have?

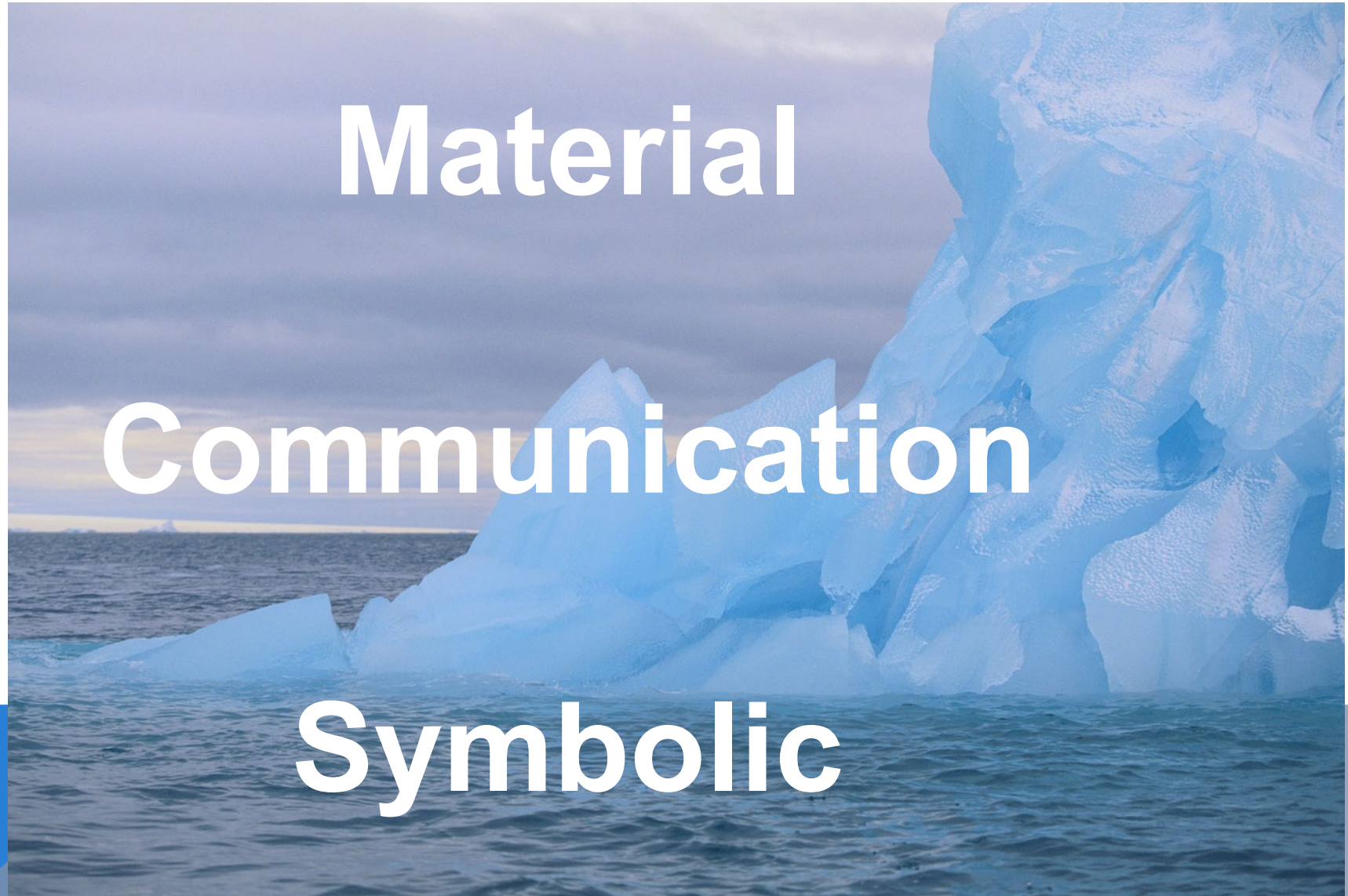
Most recent movie you have
watched or book you have
read.



CONFLICT RESOLUTION PROCESSES & RULE 114



LEVELS OF CONFLICT



Material

Communication

Symbolic

ARBITRATION VS. MEDIATION

Arbitration:

Parties present and the arbitrator decides

Arbitrator controls outcome and process

Formal and legalized

Focus on factual/legal issues

“Split-the-baby” solutions

Mediation:

Mediator facilitates, does NOT decide outcome

Parties control outcome (and process)

Informal, flexible, no due process

Focus on problem resolution

Creative solutions

SENATE TABLE EXERCISE

Arbitrate (decide, but do not issue decision)

SWITCH

Mediate (creative options)

Report results

Small group discussions: Positives of mediation or arbitration?

Report back



KEN FOX INTERVIEW

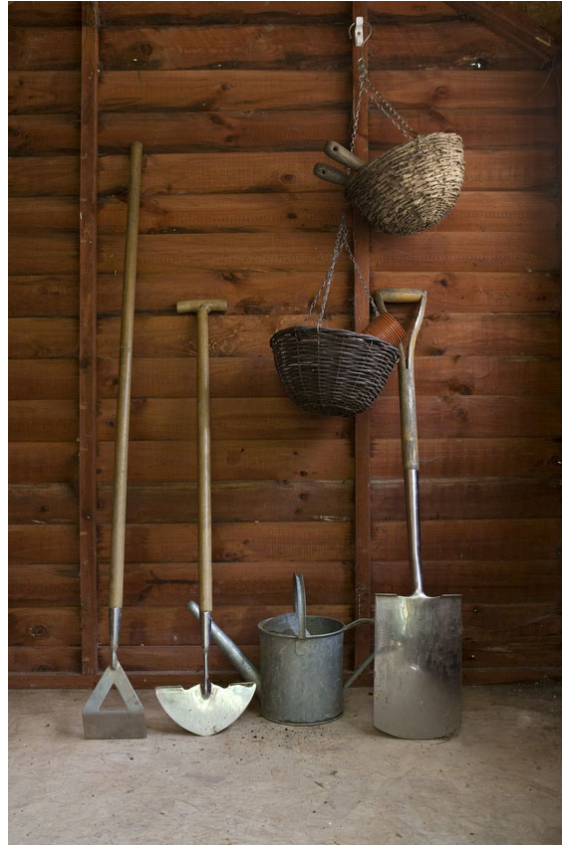
*Spectrum of Conflict Resolution – Rule 114,
Mediation Philosophy & Values*



GOALS OF MEDIATION



TOOLS AND TECHNIQUES TO MEET GOALS OF MEDIATION



MEDIATION: PHILOSOPHY AND VALUES

A forum in which a neutral third party facilitates communication between parties to promote settlement.

A mediator may not impose his or her own judgment on the issues for that of the parties.

Rule 114.02

MEDIATION: PHILOSOPHY AND VALUES

Mediation is based on the principle of self-determination *by the parties*.

It requires that the mediation process rely on the ability of the parties to reach a voluntary, uncoerced agreement.

The primary responsibility for the resolution of a dispute and the shaping of a settlement agreement rests with the parties.

Rule 114 Code of Ethics

MEDIATION HAS:

A structure

A set of ethical and pragmatic guidelines

A core focus on interests



POSITIONAL/DISTRIBUTIVE BARGAINING



NEGOTIATION EXERCISE – WRIGHT-TITE



INTERESTS, ISSUES AND POSITIONS

Issues



Interests



Positions



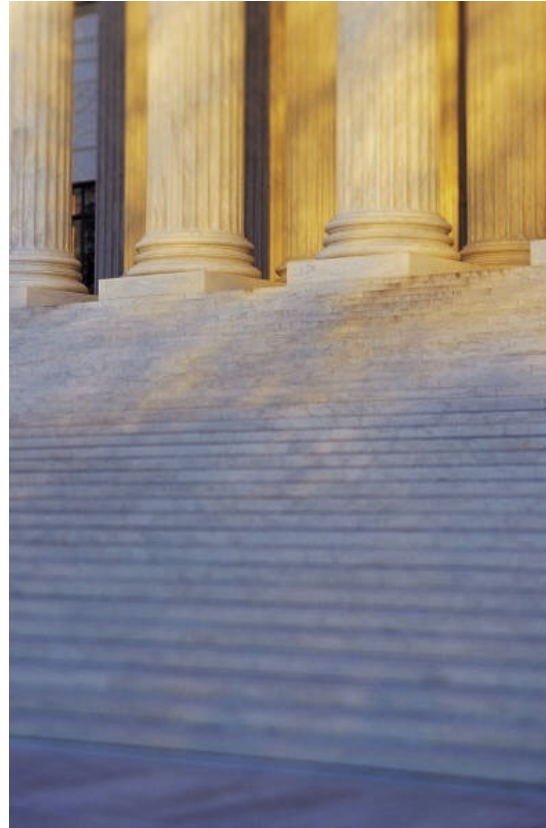
INTERESTS OF PARTIES IN MEDIATION



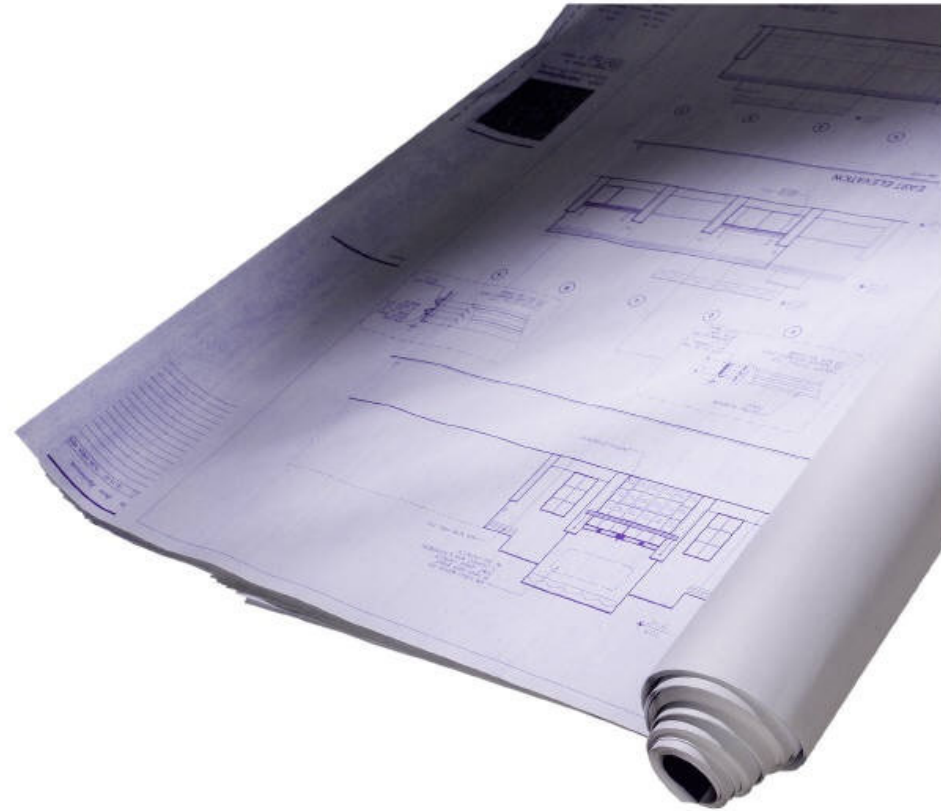
NEGOTIATION EXERCISE – WRIGHT-TITE



STEPS IN THE MEDIATION PROCESS



STEP 1: ORIENTATION



STEP 2: INFORMATION SHARING

BUILD RAPPORT



EXCHANGE INFORMATION



STEP 3: IDENTIFYING INTERESTS & FRAMING ISSUES



STEP 4: OPTIONS



STEP 5: CLOSING



ROLE OF THE MEDIATOR



INTRODUCTION TO PAT AND LEE



PAT AND LEE - CONFLICT



FIVE MEDIATORS DESCRIBE THEIR PROCESS/ROLE



MEDIATOR QUALITIES



ORIENTATION



- Goals
- Tone
- Format
- Topics
 - Intros
 - Mediator qualifications
 - Mediator role
 - Voluntariness
 - Confidentiality
 - Caucus (private meetings)
 - Ground rules or guidelines
 - Binding agreement, or no agreement
 - Parties sign agreement to mediate
- “Opening Statements”?

TECHNOWORKS ORIENTATION



ORIENTATION PREPARATION EXERCISE



- In pairs in breakout rooms, practice giving your orientation to each other (5-7 min. each)
- Give feedback to your partner (3 min.)
- When breakout rooms close come back to discuss your experiences

STEP TWO: INFORMATION SHARING

The Mediator LISTENS and ASKS QUESTIONS to effectively gather information.



HOW DO MEDIATORS TRANSITION FROM ORIENTATION TO INFORMATION SHARING?



LISTEN FOR . . .



TECHNOWORKS INFORMATION SHARING



OBSTACLES TO LISTENING



LISTENING SKILLS

Focus

Attend

Clarify

Empathize

Summarize



THE ROBBERY

LISTENING EXERCISE

EVALUATIONS AND CLOSE

