

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



INSIGHTS AND FEEDBACK



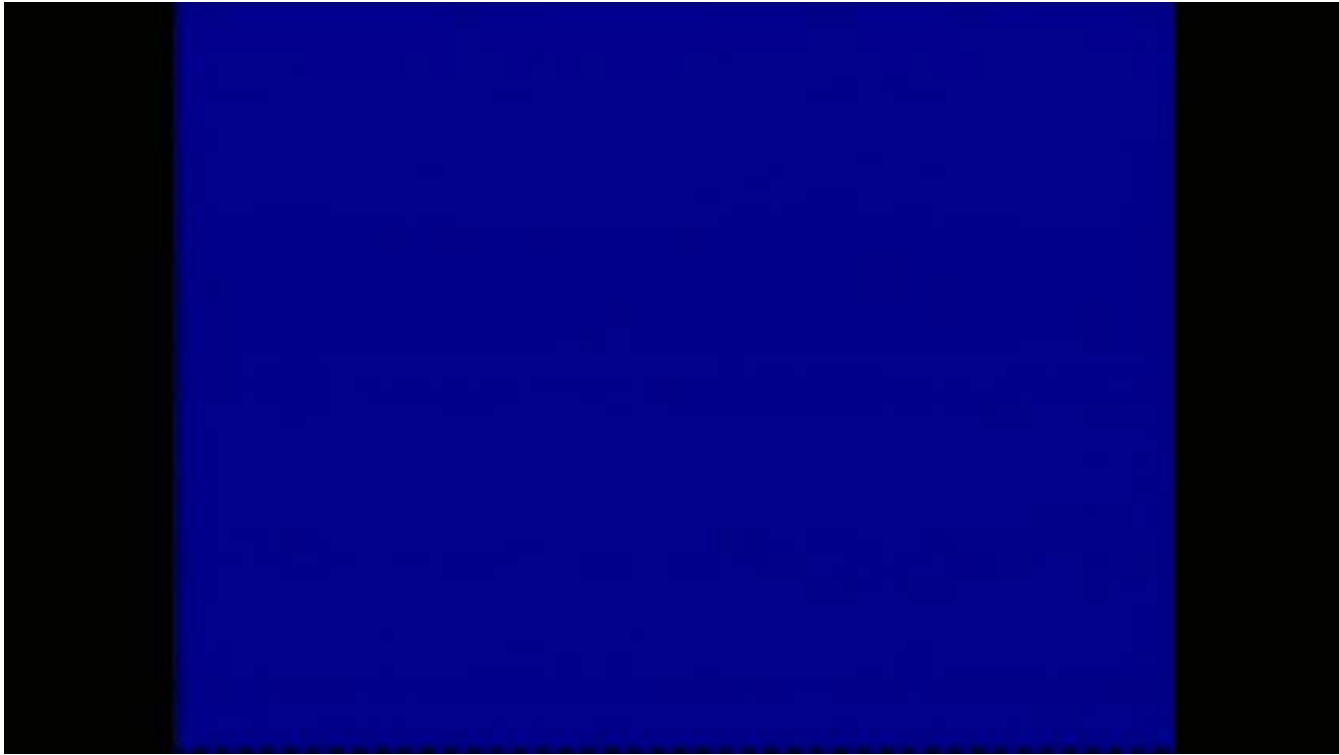
POSTER PAPER, SMART BOARDS & MORE



CO-MEDIATION



TECHNOWORKS – EVALUATING OPTIONS



INTERVENING TO BREAK IMPASSE



THE AGREEMENT SO FAR . . .

Computer training

COBRA

Placement services

Letter of reference

Fees for mediation
and parking

Training for Tehnoworks
employees on sexual
harassment issues

Reporting protocol

Letter in Sam's file

Monitoring of employees

**THE STALEMATE:
\$50,000 VS. \$0**

THE LOCKOUT



POWER IMBALANCE



ETHICS



MN ADR ETHICS/GUIDELINES

General

- MN General Rules of Practice for the District Courts - Rule 114 and Rule 114 Code of Ethics

Professional Organizations

- Quasi-regulatory policies can be used to establish a legal standard of care
- Model Standards of Practice for Mediation (AFCC, ACR and Mediate.com & ABA, AAA)

MN ADR ETHICS/GUIDELINES

Specific Forms of Neutrals

- Community Dispute Resolution Program - Minn. Stat. §494
- Parenting Time Dispute Resolution – Minn. Stat. §518.1751

Confidentiality/Exceptions/Testimony

- Testimony of Witnesses – Minn. Stat. §595.02 Subd.1a. Alternative dispute resolution privilege
- Reporting of Maltreatment of Minors – Minn. Stat. §626.556
- Reporting of Maltreatment of Vulnerable Adults - Minn. Stat. §626.557

MN ADR ETHICS/GUIDELINES

Civil Immunity

- Alternative Dispute Resolution Immunity – Minn. Stat. §604A.32

Other

- MN Civil Mediation Act Presentation of Mediator to the Public - Minn. Stat. §572
- MN Rule of Professional Responsibility (lawyers) Rule 1.12 conflicts of interest
- MN Rule of Professional Responsibility (lawyers) Rule 2.4 lawyer serving as neutral with unrepresented parties
- ABA Section of Dispute Resolution guidance on the unauthorized practice of law

RULE I. IMPARTIALITY

- Common complaint, less common finding
- Documentation of process important
- Maintain awareness of perceptions
 - e.g., informal discussion with one side



RULE II. CONFLICTS OF INTEREST

- When in doubt, disclose in writing
- Disclose group leadership (not membership) roles



RULE III. COMPETENCE

- Consult with peers
- Say “no” to bad orders for ADR
- Everybody makes mistakes, fix them!



RULE IV. CONFIDENTIALITY

- Do NOT report to the judge, even if a judge requests
- May be appropriate to inform the court if you remove yourself as the neutral
- (Say “no” to bad orders)



RULE V. QUALITY OF THE PROCESS

- Manage expectations and be timely
- Clarity of role
- Do not add multiple titles under signature
- Letterhead causes confusion



RULE VI. ADVERTISING AND SOLICITATION

- MN does not have certified neutrals
- Don't disparage another process (or neutral)



RULE VII. FEES



MEDIATION RULE I. SELF-DETERMINATION

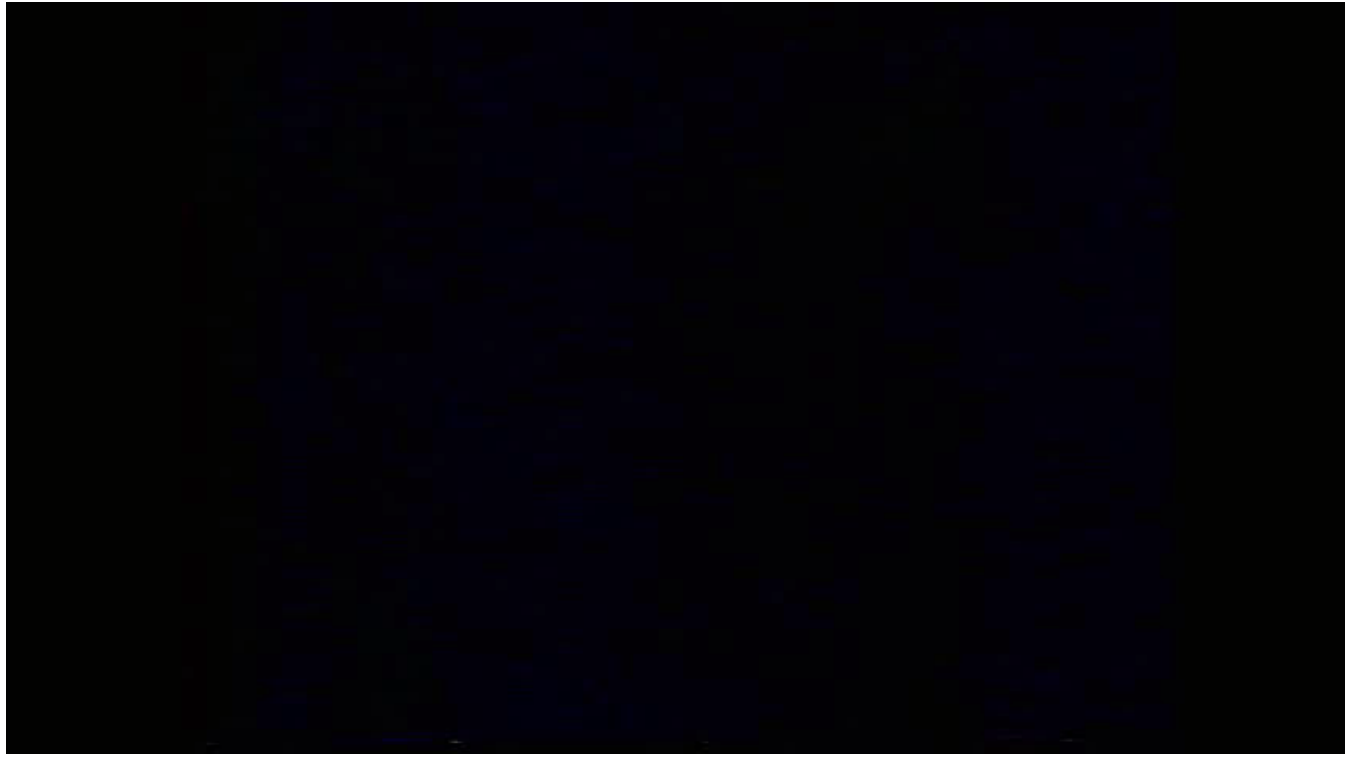
- Parties shape the solution
- Suggest options in response to parties' request



STEP FIVE: CLOSING & WRITING AGREEMENTS



TECHNOWORKS – CLOSING MEDIATION



ROOTS OF CONFLICT



BLAST



EVALUATIONS AND CLOSE

Look at the chart: say the
Color not the word

Black	Blue	Green
White	Green	Red
Green	Aqua	Yellow
Yellow	Pink	Tan
Red	Yellow	White

Example produces a Left\Right brain conflict

The right brain tries to say the color

The left brain tries to read the color

<http://OfficeSpam.ChattaBlogs.com>