

The Mediation Process at a Glance

Introduction

- Set tone
- Explain procedure
- Explain the role of the mediator
- Establish guidelines (if appropriate)
- Review consent to mediate (agreement to mediate)
- Check for clarity and understanding
- Ask for commitment

Work the Story:

Uninterrupted time

- Each party tells their story
- Exchange information/conversation between parties
- Self expression/emotions will surface

What the mediator wants to learn:

- What has happened that brought each party to mediation?
- What is important for each party?
- What is at stake for each party?
- What each party wants the other to understand about the situation from their perspective.

Work the Issue:

Issues/interests/positions

- Surface interests (needs, concerns, motivations, hopes, and fears)
- Surface solution criteria—boundaries/limits
- Reframe issues as a problem solving question using interest and concerns

What the mediator wants to learn:

- What are the main interests each party seeks to satisfy in the solution?
- Are there any solution boundaries/limits (for each party) that need to be considered?
- How can the issue be reframed as a joint problem-solving question that both parties can buy into?

Work the Outcome:

Options/outcomes/decisions

- Generate options/ideas
- Evaluate options/ideas using interests & boundaries/limits
- Refine options/ideas for the most possible solution(s)
- Reach consensus on agreement

What each party should know to guide decision-making

- BATNA (Best Alternative To a Negotiated Agreement)
- WATNA (Worse Alternative To a Negotiated Agreement)

What the mediator wants to learn:

- What are possible options, including initial position?
- Which options are workable (reality checking by concerns and criteria)?
- How can options be refined for both parties?
- What are the essential steps for implementation that should be specified in the written agreement?

There are no problems; there are only situations in need of a solution.

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