BRIEF OUTLINE OF THE MEDIATION PROCESS

Conference Style

Mediation is an interactive process in which an impartial person – the Mediator – facilitates communications between disputing parties to promote understanding, mutually agreeable settlement of issues and even reconciliation between the parties.

The following is an outline of the Mediation process used when the parties work together face-to-face during the Mediation sessions. This is known as the “conference style.” We prefer this style when the parties expect to have a continuing working relationship in the future. In conference style Mediation, the parties are encouraged to put their concerns on the table, talk about them openly and together suggest options for resolution of the issues, then work towards an amicable agreement.

The Mediator assists the parties in creating their own resolution to the dispute, one that is workable for both of side, and in so doing also reinforce positive communication patterns for future collaboration and negotiations. Thus a successful Mediation may resolve the matters at hand and also provide a platform for future collaborative projects.

Some mediations are resolved during one session, however there are times when a series of shorter sessions of two to three hours works best, particularly when mediation takes place during the work day, when the issues have high emotional intensity, or when there is a need to obtain additional information before the mediation can continue. We do not believe in marathon sessions, because tired and over-stressed people are not at their best.

Below is an outline of the Mediation process:

1. **Mediator’s Introductory Statement:**
   The Mediator summarizes the purpose of Mediation, ground rules and the process which will be followed.

2. **Parties Opening Statements:**
   Each party gets an uninterrupted initial period to state their view of the situation and their concerns.

3. **Two-Way Exchange:**
   The parties discuss with each other what they have heard. This helps to add information and surface underlying issues.

4. **Issues Clarification/Agenda Setting:**
   The Mediator summarizes the surfaced issues and helps the parties move forward to deal with them.

5. **Option Generation:**
   This is the creative part of the Mediation. Both parties put as many options as possible on the table, without having to claim any one solution. This is a “brainstorming” process. Out of the various ideas generated, the parties should be able to craft a resolution that will work, with satisfaction for everyone involved.

6. **Negotiation and Settlement:**
   Ironing out the details and reality-testing to consider how the proposed solution(s) will play out over time.

7. **Agreement of Understanding:**
   The parties, assisted by the Mediator, draft and sign a statement which details what they agreed to and is binding to by law.