

Preparing for Mediation – What you need to know

What is Mediation?

Mediation is an informal yet structured method of conflict resolution that involves the intervention of an impartial person who assists the parties to identify issues of conflict between them, and through discussion to build greater understanding between the parties so they can reach an amicable resolution of the issues in dispute.

What is the purpose of a Pre-Mediation Conference?

A pre-mediation conference provides an opportunity for the mediator to establish contact with the participants, to gather preliminary information, and assess the appropriateness of mediation. The conference can also prepare the participants for mediation and begin to establish a rapport between participants and mediator.

How will the Mediator guide the Mediation Process?

The Mediator will guide the participants through four stages:

1. Setting the Framework
 - a. help establish an environment that supports collaboration
 - b. help set guidelines for discussions
 - c. review how mediation works, and who does what
 - d. discuss time issues and what will happen at the end of the session
 - e. cover issues such as confidentiality and caucusing
 - f. answer any questions
 - g. confirm motivation/choice to mediate
2. Clarifying and Framing Issues
 - a. ask the participants to tell each other their perception of the conflict
 - b. check for clarity and understanding
 - c. identify issues (what is on the table for negotiation/settlement)
 - d. identify common goals
 - e. assist participants to agree on an agenda and where to begin
3. Exploring Interests and Building Understanding
 - a. assist participants, through discussion, to move from positions to interests
 - b. assist participants to identify and understand each others' interests
 - c. keep discussions focused
 - d. summarize interests as a basis for resolution
4. Resolution
 - a. assist participants to generate options based on interests and objective criteria
 - b. assist in evaluating options
 - c. assist in choosing an option or combination of options
 - d. assist participants to 'reality-test' options
 - e. discuss evaluation, implementation and follow-up procedures
 - f. prepare Memorandum of Understanding (Settlement Agreement)