

Interpersonal Mediation Opening Statement in Pre-mediation Caucus

Commend for choosing mediation as a great first step in improving their situation. This is really an opportunity to talk about the situation with the other person, and to gain a greater understanding of their point of view. We, as mediators, are here to help you have a different conversation than in the past, and one that is more productive. Generally, we have found that by doing that, the situation is highly likely to improve.

Check – “We always like to check to make sure there are no conflicts of interest. Do you have any concerns about using us as mediators?”

Voluntary – “What got you thinking that you wanted to be involved in mediation? Was it your idea, or was it suggested to you by someone else? How do you feel about being here?” Let the person know that how much they actually participate, or what happens in the mediation is really their decision. You are there to support the conversation that THEY want to have.

Agreement to Mediate “The program operates under the Uniform Mediation Act, so we want to cover a few points and ask you to sign an Agreement to Mediate. It basically says

- 1) that any settlement agreement you might decide to make is voluntary. We’ve found that memorializing your new understandings in writing can be helpful, but whether or not you do that is entirely up to you;
- 2) we, as your mediators, will not impose any solutions on you;
- 3) the conversations leading up to and during the mediation are confidential, we won’t share the conversations with others, and unless you agree otherwise, you agree to hold the conversations confidential.
- 4) the conversations are also privileged. What you say in here cannot be used in other legal or administrative proceedings.
- 5) The agreement to mediate and the settlement agreement, if you decide to have one, are not confidential or privileged.

Sign Agreement to Mediate

Role of the Mediators “Our job is to support you in having the conversation you want to have. During this private meeting, we will be helping you prepare for meeting with _____. We will help you develop your goals for the conversation, and assist you in thinking through what you want to say, and how you want to say it when you are together. When we meet with both you and _____, we will lay out the goals each of you have and a rough agenda, based on what we here from each of you. We will provide some structure and facilitation so that the conversation helps each of you reach your goals. We won’t be your advocate, but we will help you say will help you say what you want to say.”

Your Role: “We know that you want to show up at the joint session in the best way possible. We will ask you what that is for you, and how we can support you in doing that. What will we notice if you are getting away from that? Anything you want to avoid doing because it will push the other person’s buttons? What can we do, in that moment, to get you back on track? If you think of anything else during this meeting, let us know.”

Transition to start: Tell us a little bit about what brings you here today?

Joint Session

Express Appreciation and Hope: “We really appreciate how much you each shared with us. Based on what we heard, each of you genuinely wants the situation to improve. We hope that in the next few hours we can help you have a productive discussion about the current situation and what each of you would like in order to improve it”

Share the Goals and the Agenda Did we capture them? What would you like to adjust or add? Where would you like to start?

Who would like to start?