

Common Law-Related Education Strategies

Simple Mediation Process

STEP 1: INTRODUCTION

1. Introduce yourself
2. Explain the mediation process.
3. Describe the ground rules that will be used during the mediation.
 - ✓ Everyone tells the truth.
 - ✓ Everyone stays seated.
 - ✓ Parties agree to try to solve the problem.
 - ✓ Everyone gets the chance to speak.
 - ✓ No one may interrupt.
 - ✓ No name-calling or put-downs.
 - ✓ No physical fighting.
 - ✓ The mediation is confidential.

STEP II: TELLING THE STORY

1. Ask each side to tell their side of the story. Remind the disputants that they may not interrupt one another.
2. The mediator listens carefully and asks questions:
 - ✓ Can you tell us how you feel about the problem?
 - ✓ How long has this been going on?
 - ✓ How long have you known each other?
3. Restate what is being said.

STEP III: IDENTIFYING THE FACTS AND ISSUES

1. Ask each party to summarize what he or she heard the other party say.
2. Have each person list the problems that need to be solved.
3. The mediator is responsible for making sure the mediation process is followed and the ground rules are obeyed.

STEP IV: GENERATING OPTIONS

1. Ask the parties to begin brainstorming a list of possible solutions to each issue. Explain the rules for brainstorming:
 - ✓ list every idea whether or not it is a good idea.
 - ✓ do not discuss whether an idea is good or bad.
 - ✓ building on another's ideas is encouraged.
 - ✓ the more ideas, the better.

STEP V: EVALUATING THE OPTIONS AND SELECTING THE SOLUTION

1. Ask parties to describe their feelings about the ideas generated during the brainstorm, answering the following questions:
 - ✓ What are the pros and cons of each idea?
 - ✓ What are the consequences of each idea?
 - ✓ Do you think the solution will solve your problem?
 - ✓ Is this the best solution?

STEP VI: REACHING AN AGREEMENT

1. The mediator helps the parties select the option that they can both agree to.
2. The agreement is written down with enough detail so that each person understands it.
3. Include a sentence about what the persons will do if they believe the other side is not upholding the agreement.
4. Have all parties to the mediation, including the mediator, sign the agreement. Provide each party with a copy of the agreement.
5. Thank everyone for trying to mediate the problem.