

MEDIATION PROCESS AIDE-MEMOIRE

- STEP 1** **Introduce the Process**
- STEP 2** **Define Issues and Set Agenda**
- STEP 3** **Explore Issues/Interests**
- STEP 4** **Generate Options**
- STEP 5** **Reach Agreement**

STEP 1: INTRODUCE THE PROCESS

OBJECTIVES	KEY ACTIONS
To open the meeting	→ Greet and welcome
To build confidence and trust	→ Seat parties Explain your role/their role
To explain what parties can expect to happen	→ Outline the process Speak to the potential agreement
To set parameters for the meeting	→ Determine your authority to settle → Explain: *confidentiality/note taking *timelines *caucusing
To solicit commitment	→ Set guidelines, get commitment Ask for questions Get parties to commit

STEP 3: EXPLORE ISSUES/INTERESTS

OBJECTIVES	KEY ACTIONS
To generate "complete" information	→ Begin with first issue Ask party to give more information Ask open-ended questions Restate/Reflect/Clarify/Summarize
To generate understanding between parties	→ Clarify Intent/Impact Clarify assumptions, perceptions, attributions Articulate new information Ask probing questions
To build a common account	→ Articulate interests Reframe positions to interests
To have each party articulate what is important for them	→ Ask parties to restate what they hear from the other party
To assist parties to move from positions to interests	Bring parties to present Summarize common, complementary, & opposing interests
To assist parties to shift to a different cognitive space	

STEP 4: GENERATE OPTIONS

OBJECTIVES	KEY ACTIONS
To create options to meet interests	→ Assist parties to brainstorm options Bring parties to future thinking
To evaluate options and choose viable ones	→ Check for "do-ability" of options Test options against criteria (fair, wise, and efficient) Track viable options Act as agent of reality
To put options into concrete actions	→ Concretize options re: what, who, when, where



STEP 2: DEFINE ISSUES AND SET AGENDA

OBJECTIVES	KEY ACTIONS
To provide opportunity for parties to tell their story	→ Invite opening overview Attend to the parties Watch for impact on each other
To ensure that parties begin to feel heard and understood	→ Restate/Reflect/Clarify
To give parties opportunity to have an exchange of information	→ Invite reactions Ask clarifying questions to draw out specifics Listen for and note issues, interests Maintain respectful exchange
To frame the issues and set an agenda	→ Call a short break (if necessary) Frame issues neutrally and write up Assist parties to prioritize into an agenda

STEP 5: REACH AGREEMENT

OBJECTIVES	KEY ACTIONS
To package chosen options into an agreement	→ Take a break and write the agreement Check with parties to determine agreement with written terms
To check agreement terms regarding their short and long term implications	→ Reality check the terms Assist parties to visualize long and short term implications Revise if necessary Construct a contingency and a dispute resolution clause
To have parties commit to and sign the agreement	→ Give to parties for reading Invite parties to sign and date Give copy to each party
To validate parties for their achievement	→ Compliment parties on their hard work Offer congratulations to parties
To bring closure to the meeting	→ Thank parties for their trust in you See the parties out