Six Stages of Mediation

1. Mediator Sets the Stage
2. Parties Tell Their Stories / Mediator Identifies Concerns
3. Mediator Identifies and Frames Issues, and Sets Agenda for Negotiation
4. Mediator Assists in Generating Alternatives
5. Mediator Encourages Parties to Select Alternatives
6. Mediator Assists in Writing the Agreement and Ends the Mediation

STAGE I – Mediator Sets the Stage

During this stage, the mediator establishes rapport with the parties. Specific include:

- Identifies self and parties (“What can I call you?”)
- Explains purpose of the mediation (here to help identify the issues, work out a solution)
- Explains role of mediator (manage the process, not going to take sides, not going to figure it out for you)
- Explains confidentiality (my notes get destroyed afterwards…)
- Gives overview of process, including time limits and possible use of caucus
- Sets ground rules
- Asks each part to agree to the process
- Asks for questions

STAGE II – Parties Tell Their Stories / Mediator Identifies Concerns

During this stage the mediator listens to each party explain the situation (formal or informal opening statements). S/he calms and reassures parties as needed and identifies the concerns that are central to each person.

- Actively listen to each party (give them 3 minutes, or so. “What brings you here and what do you hope to get out of these negotiations?” OR: Would you be willing to describe the situation from your point of view?”)
- Clarifies with questions and restatements
- Reflects and acknowledges feelings
- Uses notes to track issues, concerns, and observations
- Asks questions in a neutral way
- Reframes attacks and disparaging comments
- Helps determine and identify underlying issues
- Translates positions of parties into interests into positive need statements
- Use questions to establishes specific behaviors disputants connect to each issue
• Validates parties’ efforts
• Paraphrases stories and checks to be sure parties’ concerns are identified
• Ensures that each party has a chance to speak and prevents any one party from dominating the session (balance the power)
• Handles interruptions politely but firmly (think “iron fist, velvet glove”. They will be testing the ground rules early to see if you are serious about enforcing them or not)
• Thanks each party for his/her contribution

STAGE III – Mediator Identifies and Frames Issues, and Sets Agenda for Negotiation

During this stage, the mediator sets the agenda for the negotiation by summarizing areas of agreement and disagreement and stating the issues to be resolved in a neutral way. Specific include:

• Selects from Stage II those issues that can be resolved in the mediation and acknowledges those issues which are of concern but beyond the scope of the process
• Clarifies areas of agreement and disagreement
• Helps disputants to hear each other’s perceptions
• Offers own perception of the issues
• Continues to actively listen
• Continues to translate attacks and disparaging remarks
• Continues to determine and identify underlying issues
• Responds appropriately to disputants’ reactions to mediator’s comments/decisions
• Helps disputants state what is important and what they would like to have happen
• Suggests caucus if appropriate
• Notes that additional session(s) may be needed if appropriate to the number of issues
• Determines which issue will be discussed first.

STAGE IV – Mediator Assists in Generating Alternatives

During this stage, the mediator helps parties consider a variety of options for resolving the situation. Specifics include:

• Keeps focus on the needs and interests of the parties
• Uses questions to establish specific behaviors disputants connect to each issue
Uses a variety of techniques for generating a list of possible options (get lots of ideas, not just a few)
- Restates and summarizes each alternative
- Validates parties’ efforts
- Continues to actively listen
- Continues to determine wand identify underlying issues
- Continues to translate positions of parties into interests
- Continues to translate attacks and disparaging remarks
- Reminds parties of existing areas of agreement
- Moves parties on to other issues as appropriate
- Suggests caucus if appropriate
- Notes that additional session(s) may be needed if appropriate to number of issues

**STAGE V – Mediator Encourages Parties to Select Alternatives**

During this stage, the mediator helps parties move toward agreement by considering the options generated and selecting those most workable and acceptable to all. Specifics include:

- Checks the workability of alternatives with the parties
- Encourages selection of alternatives which appear to be acceptable to both parties
- Encourages parties to prioritize issues so that they can compromise and/or trade off, as needed and appropriate
- Checks workability. Asks about specific details: Who, what, when, where, how?
- Assists parties in planning implementation of agreement
- Notes progress parties have made
- Suggests caucus if appropriate
- Discusses possibility of second session, if appropriate

**STAGE VI – Mediator Assists in Writing the Agreement and Ends the Mediation**

During this stage, the mediator uses her/his notes to write down a clear and detailed agreement. Parties review the agreement and sign it. If parties do not reach agreement, the mediator summarizes issues identified and any progress made. Mediator thanks the parties and ends the mediation session.

- Writes agreement that reflects as much balance as possible between parties
- Frames points of agreement that are specific and concrete
- Checks notes to be sure that no issues were left out
• Congratulates the parties on their efforts, whether or not they reached an agreement
• Discusses appropriate referrals, as needed

ESSENTIAL SKILLS

Throughout the process, the mediator generates a climate of cooperation. This maximized the parties’ chances of understanding each other and reaching agreement. Specifics include:

• Maintains neutrality
  o Does not side with any party
  o Does not give own view on the issue(s)
  o Respects each person’s perspective
  o Does not judge right or wrong of issue(s)
• Remains sensitive to issues of power and responds appropriately when one party attempts to dominate another
• Remains patient with all parties
• Uses clear language and appropriate word choice
• Controls session without domination
• Uses appropriate body language and non-verbal cues
• Validates and encourages parties throughout the process