Introduction

Thank you for participating.

* Saving time and money.
* Mediation preserves relationships. The process belongs to the parties, not the mediator.
* Everyone leaves getting something. No winners and losers. Although you should be prepared to not get everything your way.
* We must be open-minded and willing to compromise.
* Be creative! After all, the outcome is limited only by the parties’ imagination and willingness to cooperate.

Goals of Mediation

* To achieve a mutually acceptable and lasting agreement which will prevent the need for future litigation
* Gives each party a chance to express his/her opinions

Mediator’s Role

* Impartial
* Confidential
  + Nothing you tell me will be shared unless you expressly give me permission to do so.
* Intermediary between both parties
  + Not here to judge. I won’t express my own opinion or take sides.
  + I’m a facilitator, not a decision maker.
* I will:
  + Identify issues and needs.
  + Explore alternative solutions
  + Focus the discussion toward a mutually acceptable resolution
  + Maintain momentum and progress of the negotiations

Process

* Each party will present a brief statement of their cases. Please listen carefully and don’t interrupt.
* Then we will begin to caucus.
  + Meet separately with each party, beginning with plaintiff.
  + 5-15 min each typically. Earlier caucuses typically take longer.
  + At the conclusion of each caucus, we will verify what information you would like to share with the other side, and what information you would like the mediator to keep confidential.
  + Assuming we come to an agreement, we will meet together at the end, and prepare a formal, written agreement, and discuss any remaining details.

Before we begin, a few questions:

* Are both parties authorized to settle?
* Have there been any prior negotiations?