

Phase Cards

The phase cards help with tips and tricks in the respective mediation phase. The labeling on the left side of the card serves as an orientation aid. Each phase card has four fields on the front for initiation, preparation, implementation and follow-up. On the 2nd card of the phase card are general explanations as well as a ,panic' space with hints in case something should go wrong:

Procedural instructions for initiating, preparing, executing and post-processing the phase

General explanations and notes on the phase

Phase 1

Preparation/Introduction

Phase 1

- Analyze the exact nature of the assignment, the want, the decision-maker and the cost/benefit
- Clarify the group of participants (decision-making authority)
- Identify other stakeholders such as spectators, witnesses, experts or interpreters
- Clarify contact options
- What has already been done with regard to conflict resolution?
- Deadlines, other factors, legal framework conditions etc.
- Obtain opinions of results from client, protection of participants, no sanctions, declaration of confidentiality
- Where appropriate, obtain information material such as facts, goals or background information
- Where appropriate, use information material about mediation to client and mediator
- Information discussions with possible participants or stakeholders (by telephone, in person)
- Flip sheets, possible short, resource-oriented result protocol to the participants
- Where useful, homework for the mediators (e.g. thoughts about the topics to be discussed)
- Finalize mediation contract, obtain signatures
- Reflect on the completed phase
- Prepare the next phase, check hypotheses, mentally play through the next phase
- Identify new traps
- Are there any uncertainties that have arisen for me? (Check possibility of supervision (e.g. after telephone support))
- Analyze material received, ask questions, clarify need for experts
- Plan and conduct preliminary talks with participants (if necessary)
- Check whether mediation is suitable (indication/contraindication)
- Mentally run through mediation, form hypotheses, make evaluation
- Co-creation as early as possible and feedback: identify own goals, think about superordinate identity and mitigate language, culture, social bias etc.
- Location, premises, equipment, setting, coping and, if necessary, communication possibilities
- Plan and prepare communication options, times, breaks, catering, visualization
- Plan any appropriate issues. Digital camera for follow-up interviews / make appointment / invite to 1st session.
- Allow time, greet, thank you for coming, acknowledge this step. Brief introduction, time frame
- Enter into dialogue. Wishes and expectations of mediation. "With what topics do you come here?" "What do you know about mediation?" "What do you know about mediation?"
- Cooperation in the mediation process, confidentiality, voluntariness, personal data and discuss ideas about the number and direction of sessions
- Determine rules, procedures, rules, decision-making of information, recording, costs
- Get a yes to mediation and openness to results
- Create and clarify mediation contract
- Transactional, emotional, contingency plan, agreement
- Summary & representation of the work done, outlook for next step

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Phase 1

Preparation/Introduction

Phase 1

Explanations

- I maintain impartiality from the very beginning. For me, mediation has already begun with the first contact.
- I attach importance to a complete circle of participants.
- I critically examine whether the prerequisites for mediation are given. All participants want mediation, cooperation is conceivable and the mediators can represent themselves.
- There are no contraindications to mediation such as pressure, refusal, threats, violence, lack of representation of interests, power imbalance, dependencies, lack of freedom, abuse, withheld or undisclosed information, addition or mental illness.
- Ensure a pleasant atmosphere and a de-escalating setting. Take into account cultural customs, disabilities, or other aspects around infrastructure that may be important to the mediators and ensure their well-being (seating arrangements, eye contact, space, atmosphere, drinks, food etc.)
- I support the mediators in developing and elaborating rules and criteria that are important to them.
- I build trust through active listening, empathy, deceleration, and sincere interest.
- I do not want to "sell" mediation to the parties.
- I do not try to conflict.
- I am exclusively responsible for the process. The willingness for the mediation as well as for the solution must lie with the mediators.
- I can also stop the mediator if necessary.

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Panic room with hints in case something goes wrong in the phase

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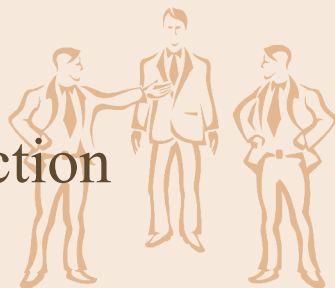
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Preparation/Introduction

Phase 1



- Clarify the exact nature of the assignment, the client, the decision-maker and the cost bearer
- Clarify the group of participants (decision-making authority)
- Identify other stakeholders such as specialists, lawyers, experts or interpreters
- Clarify contact options
- What has already been done with regard to conflict resolution?
- Deadlines, other factors, legal framework conditions etc.
- Obtain openness of results from client, protection of participants, no sanctions, declaration of confidentiality
- Where appropriate, obtain information material such as socio-, geno- or organigrams
- Where appropriate send information material about mediation to client and mediants
- Information discussions with possible participants or stakeholders (by phone, in person)

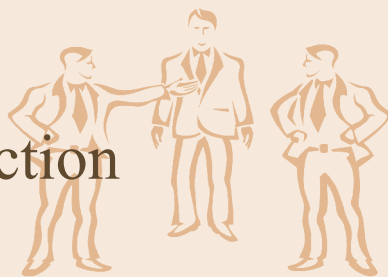
- Analyze material received, ask questions, clarify need for experts
- Plan and conduct preliminary talks with participants (if necessary)
- Check whether mediation is suitable (indication/contraindications)
- Mentally run through mediation, form hypotheses, analyze escalation
- Co-mediation as early as possible and introduce it
- Identify own pitfalls, think about supervision! identify and mitigate language, cultural, social barriers
- Location, premises, equipment, setting, copying and, if necessary, communication possibilities
- Plan and prepare communication options, times, breaks, catering, visualization
- Planning appropriate minutes. Digital camera for flipcharts! Inform mediators/make appointment/invite to 1st session

- Flipchart, possibly short, resource-oriented result protocol to the participants
- Where useful ‚homework‘ for the mediants (e.g. thoughts about the topics to be discussed)
- Finalize meditation contract, obtain signatures
- Reflect on the completed phase
- Prepare the next phase, check hypotheses, mentally play through the next phase
- Identify new traps
- Are there any uncertainties that have arisen for me? Check possibility of supervision (e.g., also phone supervision)

- Allow time, greet, thank you for coming, acknowledge this step. Brief introduction, time frame
- Enter into dialogue. Wishes and expectations of mediations: „With what hopes do you come here?“, „What do you know about mediation?“, „What do you know about mediation?“
- Explanation of the mediation process, confidentiality, voluntariness, personal responsibility
- Get and discuss ideas about the number and duration of sessions
- Determine roles, procedures, rules, disclosure/handling of information, recording, costs
- Get a yes to mediation and openness to results
- Create and clarify mediation contract
- Transitional solution(s), contingency plan, next appointment
- Summary, appreciation of the work done, outlook for next step

Preparation/Introduction

Phase 1



Explanations

- I maintain impartiality from the very beginning. For me, mediation has already begun with the first contact
- I attach importance to a complete circle of participants
- I critically examine whether the prerequisites for mediation are given. All participants want mediation, cooperation is conceivable and the mediants can represent themselves
- There are no contraindications to mediation such as pressure, refusal, threats, violence, lack of representation of interests, power imbalance, dependencies, lack of leeway, abuse, withheld or undisclosed information, addiction or mental illness
- I ensure a pleasant atmosphere and a de-escalating setting. I take into account cultural customs, disabilities, or other aspects around infrastructure that may be important to the mediants and ensure their well-being (seating arrangements, eye contact, space, atmosphere, drinks, tissues)
- I support the mediants in developing and elaborating rules and criteria that are important to them
- I build trust through active listening, empathy, deceleration, and sincere interest

- I do not want to „sell“ mediation to the parties
- It is not my conflict
- I am exclusively responsible for the process
- The willingness for the mediation as well as for the solution must lie with the mediants
- I can also stop the mediation if necessary

Information/Topic collection

Phase 2



- Mediation contract finalized and signed?
- Are there still open questions regarding mediation contract, co-mediation
- Role of law, legal advice (also for mediator), data protection, liability, deadlines, etc.
- Rethink setting
- Identify, mitigate, avoid pitfalls, consider supervision
- Form/test hypotheses, identify reaction patterns (adapters, avoiders, controllers)
- Recognize systems and subsystems
- Approach to collecting topics (flipchart, pin board, cards) and consider approach

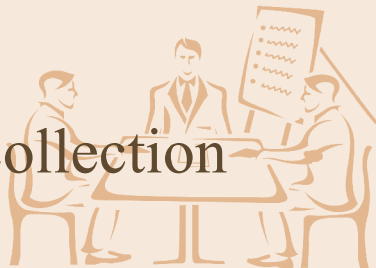
- Plan and prepare location, rooms, equipment, setting, copying and, if necessary, communication possibilities, times, breaks, catering, visualization (e.g. several flipcharts, columns, maps)
- Prepare a visible „parking lot“ for questions and tasks
- Plan concrete procedure/procedures
- Identify possible blockages and risks of escalation
- Perhaps mentally replay mediation, add to/check hypotheses
- Was homework done?
- Put up flipcharts from last meeting (e.g., open questions, rules)
- Practice neutral wording for topics

- Flipcharts, possibly short resource-oriented result protocol to the participants
- Where useful „homework“ for the mediants (e.g., complete the list of topics, consider what is important to them in individual topics)
- Finalize mediation contract, obtain signatures
- Reflection on the completed phase
- Prepare the next phase, check hypotheses, mentally play through the next phase
- Identify new traps
- Are there any uncertainties that have arisen for me?
- Check possibility of supervision (e.g., also telephone supervision)

- Allow time, greet, thank for coming, summarize and appreciate the work done so far
- Clarify any unanswered questions or questions about the process
- Ask for the status of the homework
- Explanation of the phase, mediation rules
- Each mediator explains from his or her point of view what brings him or her here „*What is the problem?*“
- Check the self-esteem of the mediants and strengthen it if necessary (Window I). Allow enough time and space
- Draft a list of topics „*What should be discussed?*“
- Rephrase positions and accusations into neutral topics free of judgement.
- Fractionate, dissect and break down points of contention
- Determine which topic should be dealt with first but ensure that everything will be dealt with
- Summary, appreciation of the work done, outlook for the next step

Information/Topic collection

Phase 2



Explanations

- I maintain impartiality. I ask both the same questions and give equal time and attention to each mediant
- I do not take shortcuts. The collection of topics should be as complete as possible
- I make wording suggestions for neutral generic terms and ask before I write down
- I avoid positions, demands and interests on the list of topics, as well as my own interpretations, judgmental terms or verbal „points“
- I partialize large topics into several smaller understandable and negotiable points/issues.
- I make sure that it is clear to everyone what is meant by a particular topic
- For blockages in the process: Pause the conversation, reflect aloud, ask for ideas regarding continuation, address blockage at the meta-level, normalize, summarize and acknowledge achievements, consider closing the phase, address blockage, create transparency
- In case of own mistakes: Address own mistakes, apologize if necessary
- If abortion is imminent. Make possible abortion a topic of discussion, individual BATNA/WATNA talks
- In case of power imbalance: Consider rules for more power balance, one-on-one meetings (shuttle mediation), support by trusted person
- In case of threats and blackmail: Normalize, agree on transitional and partial solutions
- When emotionality is high: Allow, endure, express emotions (disturbances have priority), mediate rules for dealing with emotions
- In case of missing information: Visualize missing information, point it out

- I remain genuine and true to myself
- If I am unsure or cannot find a neutral wording as a topic heading, I offer to put a question mark after the term. If this is not accepted by the mediant, I include the item in the topic list as is. It is not my job to resolve the conflict, but to move the mediants toward self-healing through changel can prevent a destructive conversation between the parties
- I can be emphatically silent and listen. Acknowledge dispute and conflict
- I can recognize, seek, find resources and reinforce positives („golden nuggets“)
- I can take breaks
- I can apologize when I have made a mistake

Clarification of Needs/Interests

Phase III



- Rethink setting
- Identify, mitigate, pitfalls, consider supervision
- Form/test hypotheses, identify response patterns (adapters, avoiders, controllers)
- Methodological approach to clarifying needs and interests (Direct questioning, indirect way via future, consider combination)
- Entry topic determined?

- Plan and prepare location, rooms, equipment, setting, copying and, if necessary, communication possibilities, times, breaks, catering, visualization (e.g. several flip-charts, columns, maps)
- Prepare „parking lot“
- Plan concrete procedure/flow
- Mediation mentally, identify blockages, add to/check hypotheses
- Get in the mood for a joint, careful search process, become aware of the attitude
- Which discussion techniques can I use, do I have them present?
- Has homework been done?
- Put up flipcharts from the last meeting (e.g. open questions, rules)

- Flipcharts, possibly short, resource-oriented protocol of results to the participants
- Where useful ‚homework‘ for the mediants (e.g. consider additions)
- Reflection on the completed phase
- Prepare the next phase, check hypotheses, mentally play through the next phase
- Identify new traps
- Did I have any uncertainties? Check the possibility of supervision (e.g. also telephone supervision).

- Allow time, greet, thank for coming, summarize and appreciate work so far
- Addition to list of topics possible
- Explanation of phase. Emphasize importance (centerpiece)
- Simple questions: „*What is important to you?*“ Inquire and try to understand into depth
- Explore interests and needs
- Visualize on flipchart, rephrase positively, keep at it until it is clear what it is about (onion)
- Resolve vagueness, omissions, incompleteness, generalizations as well as negative emotions
- Encourage change of perspective
- At the end, ask for mutual understanding
- Summary, appreciation of work done, outlook next step

Clarification of Needs/Interests

Phase 3



Explanations

- I stay tuned with questions like
 - „What is especially important to you?“
 - „What else?“
 - „Why is it so important?“
 - „What are your goals?“
 - „How do you know? What causes you to believe that ...?“
 - „What prevents you from doing this ? / What keeps you from doing it?“
 - „What would happen if?“
 - I am appreciative in attitude and of genuine interest in the parties
 - I avoid evaluations, interpretations, harmony efforts, hidden messages in questions, suggestive questions, advice, suggestions and solutions
 - I support the mediants with the visualization of interests and needs as well as with my summaries and outlines
 - I work out hard (anger, aggression) and soft (envy, sadness, shame) feelings. Verbalization and clarification (e.g., by doubling) gives my mediants the chance for a sustainable solution
 - I dare to ask at the end what the needs/interests have triggered or changed in the other party
-
- I do not allow myself to be put under time and success pressure, neither by the mediants, the clients nor by myself
 - I need time to think and formulate and I tell this to the mediants
 - I need breaks and I am ready to demand them
 - I maintain a professional distance, but I remain human and empathetic to the parties

Creative Options Search

Phase 4



- Rethink the setting
- Identify, defuse, mitigate pitfalls, consider supervision
- Form/test hypotheses, identify reaction patterns (adapters, avoiders, controllers) Consider methodological approach (creativity techniques) for option collection Determine initial topic?
- What can I offer for these phases? How can I additionally activate the mediants? (e.g., tell a story, riddle or quote, music, security through appreciation, a special place for this phase, etc.)

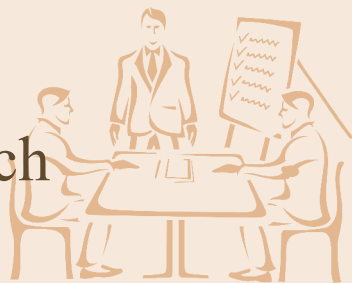
- Plan and prepare location, rooms, equipment, setting, copying and, if necessary, communication possibilities, times, breaks, catering, visualization (e.g., several flipcharts, columns, maps)
- Prepare „parking lot“
- Plan concrete procedure/flow
- Mediation mentally, identify blockages, add to/check hypotheses
- Select suitable creativity techniques for the mediants
- Adjust to the dynamics of the phase (looseness, quantity before quality, tempo, etc.)
- Has homework been done?
- Put up flipcharts from the last meeting (e.g., open questions, rules)

- Flipcharts, possibly a short resource-oriented result protocol to the participants
- Where useful ‚homework‘ for the mediants (e.g. exchange with experts/trustworthy persons, collect further options)
- Reflection on the completed phase
- Prepare the next phase, check hypotheses, mentally play through the next phase
- Identify new traps
- Have any uncertainties arisen for me?
- Check the possibility of supervision (e.g. also telephone supervision).

- Allow time, greet, thank for coming, summarize and appreciate the work so far
- Inquire if there are any leftovers or if important things have happened in the meantime
- Explain the phase, creativity technique and its benefits. Obtain consent
- Create a creative, relaxed, and preferably stress-free atmosphere. Collect ideas, visualize, structure. Intervene if comments / evaluations are made
- Motivate, activate, give impulses (e.g., wonder questions), take breaks
- Question which 2-3 ideas would have the greatest chance of being agreed upon
- Summary, appreciation of the work done, outlook next step

Creative Option Search

Phase 4



Explanations

- I attach great importance to the mediants finding as many possible solutions as possible and support them with appropriate methods and questions.

„What will that look like when you find a good solution?“

„What do you wish for the future in the process?“

„Fantasize for once“

„If you had a magic wand?“

„How would you know that ...?“

„Suppose you could ...?“

„Which of these do you like, too?“

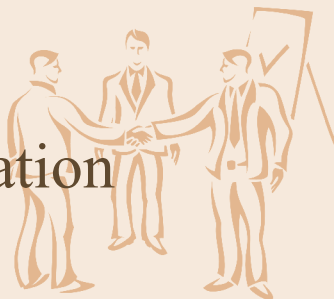
„What is your contribution to a solution?“

- I do not introduce any ideas or options on my own (balance etc.). If explicitly and repeatedly requested by all mediants, an idea, if any, could be introduced in the sense of *„Other mediants have already...“* in such cases
- I make sure that the collection of options and the evaluation of them are clearly separated

- I can catch, address, and work through emerging conflicts

Evaluation / Negotiation

Phase 5



- Consider setting
- Identify, defuse, mitigate pitfalls, consider supervision
- Form/test hypotheses, identify reaction patterns (adaptors, avoiders, controllers)
- Do you need support for this phase, e.g., a person to write down agreements?
- Clarify and obtain permission from the mediants
- Consider useful negotiation models
- Consider the role of the law (legal advice) Identify relevant external influences (e.g. ongoing proceedings)
- Are external specialists, experts necessary for this phase? How do I invite them and what does their onboarding look like?
- For new participants. How do I deal with conflicts and different levels of information?

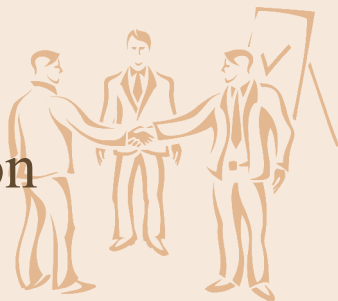
- Plan and prepare location, rooms, equipment, setting, copying and, if necessary, communication possibilities, times, breaks, catering, visualization (e.g., several flipcharts, columns, maps)
- Prepare several flipcharts, columns, maps) „Parking lot“
- Plan in-depth processing of the favored options before negotiation
- Select suitable negotiation models
- Plan concrete procedure/process
- Mediation mentally, identify blockades, consider conflict sources, supplement/check hypotheses
- Make specific preparations for option processing and negotiation (material, introduction/ explanation, ...)
- Hang up relevant flipcharts (e.g. topics, interests, options) and possibly values picture

- Flipcharts with processed options and preliminary results („Letter of Intent“) to the participants
- If useful, „homework“ for the mediants
- Reflection of the completed phase
- Prepare the next phase, check hypotheses, mentally play through the next phase
- Identify new traps
- If necessary, do I need a person for the formulation of agreements?
- Have any uncertainties arisen for me? Check the possibility of supervision (e.g., also phone supervision)

- Allow time, welcome, thank you for coming, summarize and appreciate the work done so far, possibly introduce people
- Inquire whether there are any leftovers, or whether important things have happened in the meantime
- Explanation of the phase (with the goal of a „Letter of Intent“. Deepened processing of the favored options in order to reduce differences and compare them with the list of interests
- Process remaining differences with negotiation In the case of blockades, e.g., work out fairness criteria and search for consensus
- Draft a letter of intent. Develop fairness criteria and seek consensus on them
- Record preliminary agreement
- Draft letter of intent
- Summary, appreciation of the work done, outlook for next step

Evaluation/Negotiation

Phase 5



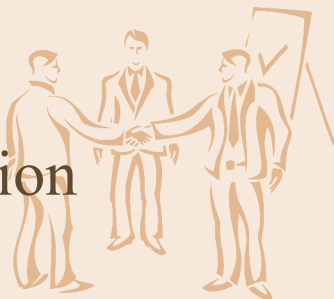
Explanations

- I assist mediants with appropriate methods for evaluating and further processing options and negotiating remaining differences
- I make sure that no topic or idea falls or is swept under the table
- I make sure that the evaluation and processing of options as well as the negotiation of solutions are measured against the interests and the agreed fairness criteria

- I can let emerging arguments play out
- I can recall the agreed rules
- I can become and make aware again of what I have already achieved
- I can slow down the process
- I can go back to field 1 (repeat phase 2, 3, 4)

Agreement/Conclusion

Phase 6



- Rethink the setting
- Identify, defuse, mitigate pitfalls, consider supervision
- Form/test hypotheses, identify reaction patterns (adapters, avoiders, controllers)
- Obtain model agreements (supervisor, professional association, working group)
- Are external specialists and experts necessary for this phase? How do I invite them and what does their onboarding look like?
- If new people are now participating. How do I deal with conflicts and different levels of information?

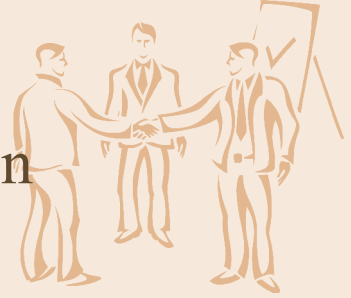
- Plan and prepare location, premises, equipment, setting, copying and, if necessary, communication possibilities, times, breaks, catering, visualization (e.g., several flipcharts, columns, maps).
- Clarify whether there are any special formal requirements for the agreement
- Possibly organize an expert for the formulation of the agreement and clarify the task
- Plan the concrete procedure/process Mediation mentally, identify blockages, consider sources of conflict, add to/check hypotheses
- Prepare checklist or grid for the agreement, if useful
- Produce a list of topics, agreed rules and fairness criteria and hang them up visibly for checking
- Relevant flipcharts (incl. list of topics)

- Possibly information/communication towards client, other stakeholders, public
- Formal conclusion of the mediation and final invoice
- How to deal with the documents created or received (return, destruction)
- Review of the mediation agreement after an agreed period of time
- Prepare and send feedback sheet if necessary (anonymous, ...)
- Clarify readiness as reference or anonymous case description for courses, further education, etc.

- Allow time, welcome, thank you for coming, summarize and appreciate the work done so far, possibly introduce people
- Inquire if there are any leftovers or if important things have happened in the meantime
- Explanation of the phase
- Discuss and negotiate the solution drafted in the „Letter of Intent“ in detail
- Determine who will formulate the draft agreement (e.g., mediator, external expert, jointly)
- Draft agreement Mediator, external expert, jointly)
- Preparation of draft agreement
- Discussion and finalization of draft (review of completeness)
- Request for external review by experts/trustworthy persons
- Possibly further finalization with parties
- Separate meeting to sign agreement
- Conclusion of mediation (ritual)

Agreement/Conclusion

Phase 6



Explanations

- I make sure that open or unresolved issues are clarified with the mediants
- I make sure that the outcome of the mediation is specific, measurable, achievable, realistic, time-bound, and positively stated
- I make sure that the parties have thought carefully about agreeing to the agreement

- I have the courage to go back to field 1 (repeat phase 2, 3, 4)
- I have the courage to call in a caesura for the external review, even if the parties want to sign immediately

Bid Negotiation

As a preliminary stage to offer-oriented negotiation, hang-up value picture on which all tangible and intangible values are visualized which can be supportive. The request to make offers on this is a good invitation to negotiate.

Before the start of negotiations, at least two, preferably several offers should be formulated by the mediants in writing on colored cards (for assignment). This will prevent a mediant from withdrawing his or her offer if other offers upsets him or her.

Mediate the number of offers, how it will be presented, and who will start the round of offers. Watch out for hidden offers and support the mediants by e.g., looping in recognizing such offers and intermediate results.

- „Did I hear correctly that ...?“
- „Is that basically what's behind your offer ...?“

Write down the preliminary agreements and interim results („Letter of Intend“) on a flipchart. If necessary, enlist the help of someone to write them down so that you can concentrate on the discussion.

If one party feels that the offers are inadequate, consider why, whether and how they could be improved.

(Hannelore Diez: Werkstattbuch Mediation, Centrale für Mediation, Köln 2005, S. 144 - 150)

Autonomy & Self-Assertion

Before joint work on the conflict can begin, the autonomy and self-assertion of the mediants must first be established, as they are often highly insecure and focused only on the opponent.

In „**Window I**“, the mediant is given generous space and time to reflect on himself and to identify and formulate his needs, interests, desires and strengths.

The questions are future and resource oriented. In particular, reflective questions, summarizing and partializing can support:

- „*What does that look like to you, can you express that for yourself?*“
- „*I would encourage you to restate the meaning for yourself.*“

Particularly in difficult mediations or in cold conflicts, separate preliminary discussions may be appropriate. Only then a communication process of mutuality and common ground can get underway in „**Window II**“.

In this step, work is done on understanding between the conflict parties, including common understanding of the problem, commonalities, mutual benefits, mutual understanding, ways of looking at things and definitions.

The questions are reflective and circular. Normalizing, summarizing, and positively rephrasing are helpful:

- „*What from the other side might you need for your own planning?*“
- „*Can you find common ground with the other?*“
- „*Do you see anything that is expressed similarly to you?*“

(Hannelore Diez: Werkstattbuch Mediation, Centrale für Mediation, Köln 2005, S. 83 – 90)

BATNA/WATNA

What are the alternatives if no agreement is reached?

The BATNA „**Best alternative to a negotiated agreement**“ is the best alternative available to a party if no agreement is found and reached.

The WATNA „**Worst alternative to a negotiated agreement**“ is the worst alternative left to a party if no agreement is found or reached.

The more attractive these alternatives are, the more independent and self-confident the negotiation can be. The worse the alternatives and the possible adverse consequences are, the greater the pressure to engage in an amicable solution.

Often the parties overestimate their BATNA and underestimate their WATNA.

Both can make mediation very difficult. If necessary, the parties BATNA/WATNA must be clarified in individual discussions.

Doubling

(according to Ch. Thomann)

Doubling allows you to use the energy that is bound up in the negative emotions in conflict situations for constructive conflict resolution again. Doubling gives you the opportunity to work out especially the negative feelings and emotions behind the arguments. This is especially helpful when hurts have happened in the past, which often manifests itself in the mediants being exclusively in the field of arguments.

- **First ask permission to stand next to the mediant** („*May I stand next to you, say something for you, and then you say if this is true?*“). Wait for permission from the mediant (ex. don't stand up until you get permission)
- **Step up next to the mediant, crouch down a bit, and speak to the other party on his or her behalf.** As you do so, turn toward the other party. Address the other party („*Your performance is not in question, but the fact that you now claim that I have let you down really annoys me and I feel misunderstood*“)
- **Check your statement („Is this true?“).** Do not give the mediant too much time to think. If the mediant denies, rejects, or hesitates, correct your statement with „*No, it's not true!*“ to the other party and ask the mediant „*How then? / How is it true then?*“
- **Go back to your seat and ask the other party „How do you respond?“**

It is not an issue if you are off base with your statement, as this will ask the mediants to clarify the situation. However, be sure to break it down appropriately when doubling, so that the mediant can confirm or deny the statements individually.

Be sure to double without „attacking“, that is, in a calm tone of voice, without imitating gestures and facial expressions. Also avoid duplicating solutions, limit yourself to the underlying feelings and emotions.

(Christoph Thomann, „Klärungshilfe 2 und 3“ sowie „Klärungshilfe konkret“)

Geno-, Socio- & Organigrams

For the graphical representation of complex family systems such as foster, second, or multi-generational families or complex organizations. Through visualization, more clarity is created and resources can be identified.

- How do the parties involved relate to each other (relationally, socially, organizationally)?
- Which groupings or systems can support each other?
- In which systems or groupings must the individual conflict parties move?
- What do hierarchies and decision-making powers look like?
- Where are there still involved persons or organizational levels that are necessary or useful for support?

Question Types I

Open questions (information)

- „Can you give me your side of the story?“
- „What do you think about this point?“

Closed questions (comprehension check)

- „Have you had any previous contact?“
- „Have you known each other for a long time?“

Directed questions (structuring)

- They are made to a specific person

Undirected questions (group dynamics)

- They are asked in such a way that everyone present can answer

Linear questions (W-questions, facts, information, data and facts). They are mostly backward-looking, past- and problem-oriented and are more suitable for the beginning and the end of mediation

- „Who belongs to the ...?“
- „When was ...?“
- „How can you determine the value of the ...?“
- „Is there already a ...?“
- „How many ...?“
- „How old are the ...?“

Strategic questions (directional, confrontational, directing, manipulative, confrontational). They should not be used at all or very rarely in mediation

- „Why don't you tell your children that ...?“
- „What would happen if Mr. A. became managing director?“
- „A.'s suggestion is very reasonable after all. Can't you B. support it?“

Specification and clarification questions (to be more specific)

- „Why is this so important to you?“
- „Why do you need it?“

Question Types II

Miracle questions (new aspects)

- „Assuming you could do magic, what would ...?“
- „Suppose a miracle were to happen, what would ... look like?“

Scale questions (assessment)

- „If you have a scale of 1 to 10, where would you ...?“
- „What would it take for the situation (e.g., a number) to be ranked higher?“

Meta level (dissolving rigid positions)

- „What do you think the chances of success are?“
- „How do we want to move forward to take a step together?“

Solution-oriented questions (unblocking)

- Name the problem: „What exactly is the problem?“
- Identify solution: „What do you want to achieve?“, „What do you desire?“
- Resources Needed: „What do you need to ...?“, „What can you do to ...?“

Return

- „What do you think?“

Various

- „What do you want to achieve with mediation?“
- „What do you envision?“
- „What does this trigger in you?“
- „What would help you?“
- „What thoughts have you already had about this?“
- „What improvements could you already notice in yourself?“
- „How do you think further steps can be taken toward improvement?“
- „What other possibilities could you imagine?“

What you do not want, hopefully

- „So you no longer want ..., but ... ? ..., but what did you do? ..., but how were you? ..., but how was it?“

Question Types III

Always, not yet

- „In the past you often had, When did you ... and when did you not?“
- „... have not yet found enough ways to deal with it constructively?“
- „... have not yet developed enough strategies to ...?“
- „... have not yet found time to ...?“

Constructive solution-oriented W-questions in small steps starting with

- „What ... (do you want to achieve in this session)?“
- „When ... (did you notice a change in yourself)?“
- „Which ... (skills helped you in this difficult situation)?“
- „Who ... (could serve as a role model for you)?“
- „How ... (could your knowledge and perseverance be of help to you now)?“
- „How ... (would you recognize an improvement in the situation)?“
- „By what ... (could you achieve an improvement)?“

Ask for hypothetically desirable alternatives or suggestions

- „Assuming you were to start implementing these new findings, would you consider what you enjoyed so much and how you could actively pursue it again?“

Questions & Sentences

Helpful phrases for meditative conversation leadership

- „I am now considering ...“
- „It is often helpful ...“
- „I know how difficult it is ...“
- „So that I can understand you even better, could you ...“
- „I need to think for a moment now ...“
- „I have made a mistake ...“
- „If you have the impression that my neutrality is no longer being maintained, I would ask you to draw my attention to this,„
- „I am not sure if I have understood you correctly ...“
- „Who would like to start ...; the other person will subsequently do the same ...“

Helpful phrases for arguments and emotional outbursts

- „I understand it is difficult for you to deal with respect because so many slights have happened. But for me it would be very important that we try“
- „What rules would help you so that negotiations can be fair?“
- „I sense that for you this is quite difficult now ... that this is hitting you ...“

Mediate rules

- „... what rules would help you all make your mediation successful?“
- „... what rules will be used if the ones you have made up don't work?“
- „... how the rules can be changed and adapted?“
- „... what will you allow me to do as mediator if ... come up?“
- „... should there be consequences if any of you don't follow the rules?“

Summarize

- „I would like to summarize „
- „Did I hear that correctly, for you ...?“
- „It sounds like for you ...“
- „Does that mean specifically ... or did I overhear something?“
- „It sounds like ...“

Nonviolent Communication

Nonviolent communication assumes that the form with which we communicate has a decisive influence on the willingness to cooperate.

The model of nonviolent communication includes the following steps:

1. **Observation**, what action bothers you?
2. **Feeling**, how does it make you feel?
3. **Need**, what need are you concerned about?
4. **Request/action**, what are you asking for to fulfill your need?

„If you don't spend time with me, then I feel lonely because I need the exchange with you. Therefore, I ask you to tell me if you have time and desire to go out with me on Tuesday?“.

„If you don't spend time with me (1 observation), then I feel lonely (2 feeling) because I need the exchange with you (3 need). Therefore, I ask you to tell me if you have time and desire to go out with me on Tuesday? (4 request / action)“.

Hypotheses

A hypothesis (from „supposition“, „premise“, „basis“) is a statement whose validity is possible but not proven. For mediation, the:

Background hypotheses help to make assumptions about the environment and the ‚technical‘ background, to identify and further clarify information if necessary. This can be legal framework conditions such as deadlines, expert opinions or expert reports that should be obtained. Since conflicts often do not occur or are not fought out in isolation, an environment or stakeholder analysis may also be appropriate, in which other possible participants in the conflict are identified and related.

- *„There are alliances between the siblings/employees on the one hand and the mother/department head on the other“*
- *„In the event of a legal dispute, all parties involved would probably be worse off“*
- *„Mr. B. is dependent on financial security“*

It is necessary to examine which background hypotheses can be transformed into resource-oriented working hypotheses useful for mediation.

Mediation hypotheses are assumptions in mediation about the resources in the conflict parties and the systems involved (for example, a shared set of values), about the mediation process (phase and related questioning or presentation techniques), or about one's own person as mediator or co-worker (e.g., the danger of possible identification or partisanship with a mediant, one's own ‚problem areas‘ and strengths).

The most important thing in hypothesis generation is resource and future orientation.

Examples of mediation hypotheses:

- *„Basically, all parties involved are interested in a solution“*
- *„Mr. X. could help clarify the legal side“*
- *„I know this situation personally very well and could unconsciously take sides with Mr. A.“*

Hypotheses should be continuously reviewed and adjusted. They are especially important during transitions from one phase to the next. A hypothesis is not usually stated openly in front of the mediants, but is tested by summarizing, focusing, and reflective questioning by the mediator.

(Hannelore Diez: Werkstattbuch Mediation, Centrale für Mediation, Köln 2005, S. 91 - 95)

Conflict Play Picture

The conflict play picture is a picture of the staging of the conflict interaction. The picture helps the conflict participants to recognize and change the patterns of a conflict. Images from the life, nature and growth realms are particularly well suited for this purpose, as they enable resource- or future-oriented change. Less suitable are images from the competitive, sports or professional spheres. Fairy tale images also often have a destructive dimension (good - evil).

Possible metaphors of the conflict game are:

- Garden to plant, but all pull out the plants or turn off the water
- Treasure chest with great treasures, but no one allows the other to look inside and slaps the lid on their fingers
- Boat on the river with many people rowing in opposite directions
- Fruit basket with delicious fruit, which everyone clutches and wants to snatch away from each other

1. While observing the interaction between the conflict parties, the mediator allows an inner image to rise within him or her and checks whether it allows for positive change.
2. The mediator offers the picture to the mediants and checks whether it can be seen and accepted by all.
3. If the image offer is accepted, suggestions for changing the rules of the game are mediated in the image.
4. The next step is to mediate the transformation of the changes in the image into reality.

If the picture is not accepted by one party, the mediator says goodbye to it in an appreciative manner.

(Hannelore Diez: Werkstattbuch Mediation, Centrale für Mediation, Köln 2005, S. 1941 - 198)

Creativity Technique

Activate

The basis of creativity techniques is usually a careful analysis and definition of the problem or question posed. Take enough time to fully grasp and understand the issue.

Activate the mediants before jumping into idea production. An idea consists not only of a keyword, but at least of a subject and a verb. As preparation serve e.g.:

- **Yes and, versus Yes but**

Make a suggestion with the mediants e.g., *„Let's take a trip to the mountains“*. The participants now say why this is not a good suggestion with *„Yes, but ...“*. Make a 2nd suggestion to the participants. Participants now support the suggestion with *„Yes, and ...“*. Ask the participants how they felt.

An example *„Yes, but I have no money for the mountain railroad“* to *„Yes, and we could swim in the lake afterwards“*.

- **Intended use**

Write down as many uses as possible for a particular item. What can you use a paper clip for? Within two minutes, look for at least 20-30 ideas. Discuss the results in the group. Determine the most original uses. Next, write down what you can't use a paper clip for. Discuss the results.

- **Idea tennis**

Form groups of two. Formulate a question, again starting with the words, *„How could we ...“*. One of the two participants expresses a first idea. The second is now asked to come up with an idea that builds on his partner's idea. He passes the ball back. Now the first one is asked to find another idea based on the first one. And so on ... Play through this for at least five minutes.

Methods may appear several times in different cards

Creativity Technique

Produce I

Image stimulation

Randomly select three to five pictures or have the mediants take photos of the surroundings with a digital camera that are related to the question. Afterwards, let the pictures or photos have a brief effect. Try to establish connections between the question and the pictures.

Bisociation

In bisociation, as opposed to association, photos or images are chosen that are as far away as possible from the initial question or topic. Then impressions and thoughts are collected for this purpose. This results in a distance from the actual problem domain, which can lead to new insights. Subsequently, these impressions are connected to the initial problem.

Stimulus word analysis

With 5-7 randomly chosen words from a book or dictionary, together with a creativity technique such as brainstorming, new ideas can be developed. For technical questions, representational things and living beings are suitable (ex. whale, flower, gasoline), for non-technical questions, events and happenings from social life, stories, movies, novels, etc. Write down four to six characteristic features of the term. Try to make connections and develop ideas between the question and the characteristics.

Card query / brainwriting variant / 635 method

Form groups of four to seven participants. Each participant receives three sheets of paper. Each participant writes one idea on top of each sheet (three ideas in total). The three sheets are passed clockwise to the neighbor. The latter reads the idea of his predecessor and puts another idea underneath each one. The three sheets are passed around until each participant has their original sheets in front of them again. If there are six participants, with 3 ideas per participant, the game is passed on five times (635 method).

Brainstorming

If the group is large, form groups of four to seven participants. The participants spontaneously express their ideas, which are visibly written down by the moderator. As the moderator, you help with questions if the ideas run out or get bogged down. All ideas are noted down. Quantity takes precedence over quality. No questions, comments or criticism about the ideas.

Methods may appear several times in different cards

Creativity Technique

Produce II

Headstand, flip-flop or inversion method

The question is turned around 180°, e.g., „*How can we further demotivate the employees?*“
Collect ideas and answers to the rephrased question. Then look for the opposite solution to the answer.

Differentiate

Develop ideas for the seven stimulus questions: *Replace?, Combine?, Transfer?, Enlarge?, Other Use?, Reduce/Eliminate?, Restructure/Swap?*

Card query / brainwriting

Each participant receives a number of moderation cards and writes one idea on each card in about 10 minutes. Afterwards, the cards are collected and pinned up on a pin board so that they are clearly visible. Cards with the same or similar statements are grouped into clusters and given a title.

ABC Method

Participants are given a sheet with all the letters of the alphabet on the left side, with the task of writing an idea or a possible solution for each letter.

Bionic

The question is shifted to the field of nature or biology. For this purpose, an analogous question must first be developed and then answered in the corresponding field. The solutions and options found are then transferred back to the original problem.

Miracle question

Through the miracle question, it is assumed that the problem has solved itself. The participants now describe how they notice or recognize that the problem has been solved and what would then be different.

Creativity Technique

Select and Choose

Dot-Mocracy

Determine how many ideas you would like to continue working with. Each participant receives three to six sticky points and distributes them among his or her favorites. No more than two points per idea. Group the ideas based on their number of points. The ideas with the most points will be worked on further, the ideas with few points will be held in „reserve“. Ideas without points will not be considered further.

Advantages / disadvantages

Collect the advantages of this idea. What is good? What are the strengths? Try to emphasize the advantages even more. Collect the disadvantages of this idea. What are the weak points? Look for counterarguments for these disadvantages. How can you overcome the weak points?

Differentiation

Select ideas according to the seven stimulus questions:

- *Replace?*
- *Combine?*
- *Transfer?*
- *Enlarge?*
- *Other Use?*
- *Reduce/eliminate?*
- *Restructure/swap?*

Methods may appear several times in different cards

Creativity Technique

Evaluate & Prioritize

S.M.A.R.T.

Evaluate the idea according to S (**Specific**, goals must be clearly defined), M (**Measurable**, goals must be measurable), A (**Accepted**, goals must be accepted by the recipients), R (**Realistic**, goals must be possible), T (**Terminable**, each goal has a clear deadline by which the goal must be achieved). Assign points to each criterion and add them up.

Plus / minus / interesting

For each idea, draw a table with three columns. Label the columns with: *Plus*, *Minus*, *Interesting*. In the plus column, enter all positive aspects of the idea. In the minus column, enter all negative aspects of the idea. In the interesting column, enter all aspects of the idea worth mentioning that are neither positive nor negative.

Six thinking hats

Explain at the beginning that each hat represents a particular point of view. The facilitator determines in which order the hats are „put on“. The „putting on“ is to be understood figuratively. The order of the hats is basically freely selectable. Hats may also be omitted. However, start and end with the blue hat.

The ideas are evaluated from the perspective of the respective hat. The **white hat** stands for objectivity and neutrality. The **red hat** stands for emotions and personal opinions. The **black hat** stands for the collection of all negative aspects. The **yellow hat** stands for the collection of all positive aspects. The **green hat** stands for creativity. The **blue hat** stands for summarizing the results and making decisions. The moderator wears the blue hat.

Dot-Mocracy

Each participant receives three to six adhesive dots and distributes them among his or her favorites. No more than two points per idea. Group the ideas based on their number of points. The ideas with the most points will be moved on, and the ideas with few points will be held in „reserve.“ Ideas without points will not be considered further.

Looping

Looping means reproducing in my own words what I have heard from my mediants without taking a position or judging:

- „Did I understand you correctly, for you ...“
- “You said the ..., you mean your ...“
- “I heard from you now that for you ...“
- “I heard from you now that for you ...“
- “So for you it is important that ...“
- “I hear from you that it gives you joy/anxiety/worry when ...“
- “Do I understand this correctly that for you ...“
- “I understood from you that for you ...“

and to have this feedback confirmed or clarified by the mediant:

- „Is that correct for you?“
- „Did I understand that correctly from you?“

This gives the mediant an opportunity to check the perception of what he or she is saying. Let the mediant finish speaking. Use gestures, facial expressions, body posture and eye contact to show that you are paying full attention to your interlocutor, but without influencing or directing him/her.

Make sure that the statements are looped subjectively and not repeated or summarized in an objective sense. Do not add information or interpretations. Restate only what you heard/understood.

Refer to the speaker, i.e., not „It is that ...“ but „I understood from you that ...“ and regulate the pace so that repartee between the parties is avoided. Focus on what is important to the parties (factual, relational, self-revelation, appeal). Recognize and emphasize positive messages.

Summarize as much as possible and give the summary an outline:

„From you I have heard that ..., from this you conclude that ...“

Metaphor Bridge

Instead of getting into the actual conflict, the discourse is shifted to a meta-level and the pattern of the conflict is talked about. The topic thus shifts from the what to the how.

In the first phase of the metaphor bridge, the „war coverage“ is faded out and the will of the parties to tread the path of peace is explicitly and dedicatedly obtained. In a next step, this path is walked with the practice of peaceful dialogue: alternating between constructive I-messages, questions, appreciation. Open or unhealed wounds must not be touched for the time being.

As mediator, you check each time whether and how the messages are received. If mutual understanding succeeds and a constructive dialogue develops, the step has been successful. As a mediator, you catch relapses into the conflict with metacommunication, metaphors, storytelling, pauses, normalization, undesired future, paradoxical intervention and distraction.

In the second phase of the metaphor bridge you secure peace. Now you move on to the actual conflict and the repair of the war damage, in which inner/emotional wounds/injuries are healed (see card Reconciliation) and material damage is compensated. In addition, preventive measures and changes are worked out to prevent the continuation or flare-up of the conflict (e.g., by mediating conflict stimuli).

Since peacekeeping can drag on and the parties have the opportunity to resume the conflict, they should take on tasks between the work sessions that break the war pattern at least in terms of content (e.g., greeting each other).

(Ed Watzke: Wahrscheinlich hat diese Geschichte gar nichts mit Ihnen zu tun, Forum Verlag Godesberg, 2. Auflage, 2008, S. 46-73)

Normalize

Normalization can help the mediant to break out of the feeling of isolation and of ‚being abnormal‘ by pointing out with an appreciative and resource-oriented statement that he is not alone with his problem:

- „Experience shows that ...“
- „I know these issues and problems well from other mediations ...“
- „Often people in mediation have to ...“
- „Many people here in mediation can ...“
- „You may also know that ...“

Focus & Summarize

When focusing or summarizing, the differences between the conflict partners are summarized and concretized in an appreciative but pointed manner:

„From you Mr. A. I hear that you would like to have more time to discuss these points. But you Mr. B. would like to come to a decision as soon as possible. Is that so?“

This is done with the aim of provoking change and thus bringing movement into rigid positions and attitudes.

Summarizing does not simply mean repeating what has been said, but a skillful and resource-oriented reformulation by the mediator. The summary should be done separately for each conflict partner and highlight the differences between the mediants.

Pacing & Leading

Get into contact with the mediant and try to get into „lockstep“ with him (pacing). Get on the same wavelength as the other person, speak his or a similar language, use a similar pitch of voice, volume and rate of speech, facial expressions, gestures and posture.

Signal genuine interest in his current situation and establish a good rapport with the mediant by the fact that you „resonate“ with him.

Once you have established rapport/contact, lead the interlocutor in the desired direction (Leading). Take him with you into a future that is desirable for him.

Paradoxical Intervention

Paradoxical Intervention is a deliberate „symptom prescription,“ a treatment that prescribes the opposite of what it actually seeks to accomplish. It is appropriate where social systems such as families, couple relationships or companies resist the immediate path to change or where offers of change or prompts are ineffective.

Where systems are held together by dysfunctional patterns, any change is perceived as a threat to the stabilization rules. In this respect, one prescribes exactly what they (the systems) do anyway.

The Paradoxical Intervention can be a call to action or a prediction for example:

An elderly gentleman is sitting on a bench in the park at lunchtime, and a bunch of young boys come up and swear at him. The first time he gets into the game, tries to chase the boys away, insults them as well. The next day the same game. On the third day he comes up with a glorious idea: he calls the scolding boys to him and praises them for what they are doing and promises them, if they come back the next day, to give them an ice cream. Cheering, the boys come the next day and insult the old man as best they can. The old man makes good on his promise and praises them, gives them an ice cream and says: „Tomorrow we'll meet again, if you swear well, I'll pay you another ice cream.“ The next day the boys don't come back.

(Mark Twain)

Paraphrase

In contrast to positive rephrasing, paraphrasing translates the destructiveness and negativity into neutral statements, with the aim that the conflict partner can hear and understand them better. Paraphrasing is particularly suitable for strong emotional conflicts and heated arguments.

- „After all, one can never rely on anything with you guys anyway ...“ to „**One topic you'll probably have to talk about is reliability.**“
- „I'm only going to come here one more time, this is as far as I go ...“ to „**Maybe you need to talk about when and how many more times you're going to come here.**“
- „She always talks secretly and behind my back anyway ...“ to „**You may need to work out rules about how you want to talk to each other and to the outside world.**“

Helpful paraphrasing terms are:

- Reliability
- Security
- Recognition
- Fair distribution of ...
- Talking to each other
- Burden
- Compensation
- Time management

(Hannelore Diez: Werkstattbuch Mediation, Centrale für Mediation, Köln 2005, S. 180 - 183)

Rephrase accusations

Accusations can often be reformulated into wishes. Let the mediant formulate the wishes hidden behind the accusation with „I“ messages:

- „I Wish You“

Partialize

Breaking down large issue items or questions into smaller packages can facilitate conflict management or negotiation. A variety of subdivisions are possible such as:

- By content
- By time
- By persons involved
- Separation of emotional and factual levels
- Exclusion of non-negotiable issues

and with sentences like:

„Sometimes it is easier if large points of conflict are divided into several small ones.“

„It seems that you don't want to decide this issue definitively yet. Any thoughts on how this could be done transitionally?“

„What would this conflict look like if A didn't exist?“

„To keep track of the subtopics, it is recommended to support with appropriate forms of visualization.“

(Hannelore Diez: Werkstattbuch Mediation, Centrale für Mediation, Köln 2005, S. 178 - 180)

Reframing

With reframing, a statement is reinterpreted so that the intentions behind it become clear. The statement is not reformulated positively, but placed in a new „framework“ so that it takes on a different meaning, thus having a positive effect or serving as a resource („broken glass brings good luck“ after something has been broken).

Reframing can change the perspective on a situation. Reframing can take place on different levels:

- **Reframing the context**

By placing a trait in a context where it can be positive or useful or give a positive feeling. *„If I understand you correctly, you both have a strong will of your own, as well as the strength and commitment to implement it.“*

- **Reframing the meaning**

By reinterpreting the emotional meaning, but the context and situation remains. *„My partner is stubborn and intransigent and this annoys me a lot“* could be *„he does not respect my own will.“*, *„If I understand you correctly, you would like to discuss possible alternatives and solutions together with your partner.“*

- **Content reframing**

Combining reframing from context and meaning.

The reinterpretation can result in a particularly positive evaluation for one mediant, which is rejected by the other mediant. It is therefore worthwhile to include both mediants in the reinterpretation by expanding the frame of reference. Examples of reinterpretation possibilities would be:

- | | |
|-------------------------------|--|
| • Naïve | ⇒ Trusting |
| • Stubborn | ⇒ Has his own way |
| • Involves himself constantly | ⇒ Worries |
| • Egoistic | ⇒ Can assert his interests |
| • Arrogant | ⇒ Is self-confident |
| • Miserable | ⇒ Feels himself |
| • Lazy | ⇒ Acts deliberately, divides his forces, |
| • Disorganized | ⇒ Has an overview |
| • Inhibited | ⇒ Has himself under control |

Reflective & Circular Questions I

Reflective questions stimulate reflection, promote change processes, mobilize self-healing and open up new perspectives.

Circular questions („around-the-corner questions“) are suitable for identifying mutuality, commonalities and relationships. Participants are encouraged to express their assumptions about the wishes, needs, opinions, relationships of others involved.

Future-oriented questions can help (especially in highly emotional conflicts) to find new patterns of regulation, negotiation or conflict resolution:

- „How do you imagine your life in five years?“
- „What do you think would be more likely to bring you to an agreement?“
- „If each of you thought two years ahead ...?“
- „Assuming you have What would have to be in it?“
- „What kinds of ... would help you resolve the conflict for the future as well?“

Questions that establish a new context (elaborate meanings):

- „How did the relationship between A and B change after Ms. F was promoted?“
- „What did you do before, what after?“
- „How do you explain that?“

Questions that highlight differences:

- „How would you recognize the condition?“
- „What would be the characteristics, how do the characteristics differ?“
- „When did the team last show itself as not chaotic, but organized and structured?“
- „How do you notice that the employee works normally?“
- „When did the colleague last show itself as not dissolute and difficult, but in contact and communicative?“
- „With whom does department head F. talk more, with Mr. B. or Ms. C.?“
- „With whom does Ms. C. have better contact? With A. or B.?“
- „When did Mr. B's solo efforts cause more coordination problems? Before or after Ms. F's promotion?“

Reflective & Circular Questions II

Hypothetical questions

- „Suppose the problem with ... didn't exist. What would your decision for ... look like then?“
- „If each of you had a magic wand, what would you conjure?“
- „Suppose your best solution doesn't work, what would be your second or third best solution?“
- „You will have found a good agreement at some point, how would each of you know it was good?“

Questions that unexpectedly interrupt unproductive processes

- „Does everyone on the team see Ms. F's behavior as a problem, or is there anyone who feels differently about it?“

Contextualization (clarifying the context)

- „How does Mr. A. behave when Mr. B. wants to make a suggestion for improvement?“
- „What does Mr. C. do then? How does Mr. B. then react to the behavior of Mr. A. and C.?“
- „What changes in the process when Mr. CEO is present?“
- „How does the department explain that Mr. A. only stands up for the interests of his employees when Mr. B. is absent?“

Double description (view of the counterparty)

- „Suppose you wanted your project team to ignore your instructions even more and just do what they want, what would you have to do?“
- „Suppose you as a team wanted your supervisor to demand even more checks and balances than before, how could you achieve that?“

Triadic questions (view of a third person standing outside)

- „How do you see the relationship between A and B?“
- „Do Mr. B's solo efforts serve more to demonstrate to his supervisor that he is capable of handling his tasks alone, or does he want to secure his boss's special attention?“

Reflective & Circular Questions III

Liquefaction of properties (dissolution of properties and behaviors)

- „What does Mr. B. do when you think he shows himself to be unmotivated?“
- „What does Ms. A. have to do for Mr. B. to conclude that she is selfish?“
- „What does your employee have to do for you to call his behavior presumptuous?“

Questions with a time dimension (and possible changes over time)

- „When do you think your employees decided to work out their problems among themselves rather than asking you for advice?“
- „When did your employee decide not to get involved the way they used to?“
- „How long will your supervisor continue to detour through his boss when things aren't going well in your department?“
- „When will he decide to change his strategy?“

Questions that allow deviations from the usual

- „Then what do you do differently?“
- „How do you act differently in response?“
- „How do you explain that?“
- „Do you agree with what Mr. A. reported about the situation?“

Questions about individual theories, myths, hypotheses (recognize basis)

- „How does department head C explain that Mr. F is half an hour late every time in board meetings?“
- „Do you see it the same way? When did you start explaining it that way?“
- „Who else sees it the way Mr. K does, that B is overwhelmed with the job and therefore deadlines are not met?“
- „Who sees it differently?“

Questions about individual and collective values (correspondences)

- „Who else besides Mr. F also believes that employees only work well if they are regularly checked?“
- „Who on the team is most likely to share Ms. F's opinion that customer requests should always take priority?“

Questions emphasizing resources (finding alternatives)

- „When was the last time Mr. B showed himself to be cooperative and communicative?“
- „How would team members react if the team leader had nothing to complain about in a meeting?“

Resource-Oriented Questions

Resource-oriented questions help the mediant to reflect on his or her strengths and abilities and make him or her aware that the future, in contrast to the past, can be shaped. Resource-oriented questions highlight abilities, strengths and successes on which to build. To do this, appropriate questions must first be used to determine what has already been achieved or at what times the problem was less or not at all:

- *„What is already working well with the new employees?“*
- *„How did you notice that the cooperation worked well?“*
- *„What do you particularly like about it?“*
- *„How have you successfully mastered similar difficulties in the past?“*
- *„What helped you?“*
- *„Who or what could help you to cope well with this situation?“*
- *„When were the last nice vacations and what was different there than in everyday life?“*
- *„How do you manage that you cope well with ... cope well?“*

The resource-oriented question can be oriented towards the past, the present as well as the future. By focusing on his or her strengths, you prepare the mediant for possible solutions (solution-oriented questions) and avoid „I don't know“ or „I'm not sure“ situations.

Resources can be skills, abilities, knowledge, experience, talents, inclinations, and strengths, but also people who can be highlighted through appropriate questions and of whom the mediant was no longer even aware. Such resources can be gently related or anchored to the situation of the interlocutor in order to provide security and prepare solutions.

Where are the strengths of the mediants and how can they be used? Look for commonalities and comparisons of the current situation to the strengths of the mediants and develop new approaches and thought patterns from this.

(Jasmin Cornelius: Mediation und Systemische Therapie, Peter Lang, 2010, S. 262-263)

Resource-Oriented Conversational Leadership

1. Problems are challenges that each person tries to overcome in his or her own personal way.
2. All people have resources to shape their lives. People are knowledgeable and competent in their own lives. The client is an expert for his life.
3. There are no deficits per se. Orienting oneself on existing abilities and on what has been successful promotes the client's confidence and willingness to take the arduous path of learning under his or her feet.
4. To every problem and difficulty there are exceptions, they point to solutions.
5. It is useful to listen carefully to the client, ask questions and take seriously what he says. We are tempted to read between the lines, but there has nothing.
6. People cannot „not cooperate“. Every reaction, even resistance, is a form of cooperation.
7. People influence each other. They cooperate and change more readily and easily in an environment that sees and supports their abilities. It is helpful to derive small new steps for the future from the success of the present. It is easier to develop new behavior than to stop old patterns.
8. You don't have to analyze a problem to find a solution.
9. What we fight against, we reinforce.
10. Behind every accusation, every complaint, there is a desire that is worth tracking down.

Structural Spiral

The structure spiral can be used when conversation participants have moved away from the current work step.

1. Recognize that the interlocutor is in a different phase of mediation

„It's clear that I'm always second.“

2. Recognize and name the positive approach or intention

„You feel like you're second.“

3. Acknowledge and praise the positive approach or intention

„You're addressing something important there.“

„Thank you for your openness.“

4. Relate the engagement to the mediation structure

„Is it okay with you if I make sure that ...“

5. Giving an „I“ message with reference to the mediation structure

„In order for me to do that, I would ask that we first address the issue of ...“

6. Make an order offer

„Would you be okay with that?“

After appreciatively obtaining confirmation, continue at the point where it was previously interrupted, otherwise repeat the structural spiral.

Unwanted Future

Searching, finding and formulating „non-values“ by the mediants can also be useful in highly escalated conflicts and show possible limits of the conflict.

By formulating „non-values“ a mediant shows:

- In general, that he wants to limit damaging effects
- Does he address possible effects that his opponent might well have assumed him to be willing to do, and so he invalidates possible fear fantasies
- Does he show that he feels himself responsible for his actions and omissions, that he wants to refrain from actions in the compulsive concatenation of action and reaction
- Does he not address questions of guilt
- And finally, his statement invites the opposing party to perhaps also somehow suggest himself that he is not satisfied with the way things have gone so far

Supporting questions might be:

- „Assuming you could not do anything constructive and the situation continues to escalate, where will the situation drift for you? Describe this as concretely as possible.“
- „What would be your feelings and sensations when you think of the situation you have described?“
- „What would be undesirable for you in this situation?“
- „What impulses for action arise in you?“
- „What could you do yourself, independently of others, to counteract this? What do you really want to/will you do?“
- „What are your insights and summaries from your reflections?“ and on the other mediant „What triggers this for you?“

It is crucial that no hidden criticism of the opponent's behavior is packed into the statements.

Negotiation

Give/take Model

- Everyone gets what they want and gives an equivalent (tangible or intangible) replacement in return

Division model

- Share according to different interests and needs (one the orange peel, the other the juice)

Market, bazaar or haggling model

- Everyone negotiates regardless of the actual values and may offer something else to the others to make the trade more attractive or to increase the pie

Half-half, thirds, quarters model

- Split by participants, values or importance

Tit for tat

- Once the one, then the other, then the next, and so on

Package model

- Negotiations continue until the whole package is ready (possibly in combination with different negotiation models)

Lot, cube or single text model

- The lot, a coin or a third party or the text of a third party decides

First-, second-, third-best alternatives

- The best alternatives are sought (BATNA)

Consensus or palaver model

- There is negotiation and talk until an agreement is reached

Toad model

- Everyone has to add something unpleasant to their results

Reconciliation

Injuries and offenses often do not occur with conscious intent, even if they are interpreted as such by the injured party (B). Often the injuring party (A) is not even aware that he has hurt someone and how he has done it.

It can be difficult to find and formulate the hurt. Reconciliation must take place in a correspondingly credible manner:

1. A must confess to the injury he inflicted on B
2. A must clearly and unambiguously inform B that this was and is an injustice
3. A must credibly convey his genuinely felt remorse to B
4. Further, it is up to A to show B his compassion/empathy for the pain he has suffered
5. A must also show a willingness to help heal the wound, to do something to make it easier for B to forgive, to repair or compensate for harm
6. Finally, and this is often the most difficult thing for A, A must be able to credibly ask B for forgiveness

The hurts and slights should be dealt with one at a time and in balanced rotation.

As a mediator, it is up to you to use your heart and mind to coach the mediants in the reconciliation process.

Addressing deeper or more serious injuries is a basic prerequisite for viable conflict resolution. If mediation is not the appropriate process, at least the framework in which healing can take place should be defined.

(Ed Watzke: Wahrscheinlich hat diese Geschichte gar nichts mit Ihnen zu tun, Forum Verlag Godesberg, 2. Auflage, 2008, S. 67 - 70)

Value Picture

The value picture is an open, non-legal snapshot of all tangible and intangible values that could play a role in negotiating the conflict. It can contribute to objectification in mediations and support negotiation.

- Assets, debts, wealth, investments, burdens
- Reputation, reputation, trust, collegiality, respect, relationship, children
- Public perception, media

The value picture can accompany the mediation through all phases and should be created and guided by the mediator. For forgotten or taboo values, a placeholder can serve such as a blank card. The value picture should not contain any allocations to the individual conflict parties and should not visualize any solutions.

Working with value pictures is particularly effective with poor or highly indebted conflict parties and those who have lost sight of ideal values.

The value picture can be visualized with flip charts, cards, pin boards or other suitable presentation media. For example, pinned on cards on a pin board:

- „House 500'000“
- „Management“
- „Customer base“
- „Patents“
- „Family tradition“
- „Peace“
- „Income A. 5'000“
- „Image to the outside world“

(Hannelore Diez: Werkstattbuch Mediation, Centrale für Mediation, Köln 2005, S. 190 - 193)