

Shifting to Neutral: A Not-So-Basic Mediation Workshop

Agenda

DAY ONE: Tuesday, November 30, 2010, 4:00 pm – 9:15 pm

4:00 – 4:15 pm Welcome: Early Exercise in Neutrality

4:15 – 5:15 pm

Just Mediate!

- Simulation #1 Simple case, Not So Easy Road to Agreement
- Debrief in large group
- Presentation/Discussion: Mediation Stages
- Presentation/Discussion: Mediator Styles & Roles

5:15 – 6:30 pm

Interests and Communication Skills

- Exercise: identifying interests in Simulation
- Presentation/Discussion of Interest-based Bargaining
- Debrief in large group
- Presentation/Discussion: Communication Skills

6:30 – 7:00 pm Break

7:00 – 9:00 pm

The Uniform Mediation Act

- Presentation/Discussion

9:00 – 9:15 pm

Day One: Summary of Essential Advice for Neutrals

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DAY TWO: Thursday, Dec. 2, 2010, 4:00 pm – 9:00 pm

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| <i>4:00 – 4:15 pm</i> | Welcome: Focus on Key Skills, Strategies and Stages |
| <i>4:15 – 5:30 pm</i> | Stage One – Preparing for Mediation <ul style="list-style-type: none">• Simulation #3: fishbowl of first contacts with parties & attorneys prior to mediation• Debrief in large group• Presentation/Discussion: Readiness & Meaningful Authority• Presentation/Discussion: Physical Set-up & Logistics• Simulation #3: Fishbowl of mediator beginning the mediation session• Debrief in large group |
| <i>5:30 – 6:15 pm</i> | Stage Two – Identifying the Issues & Interests <ul style="list-style-type: none">• Simulation #3: small groups, the mediator working to identify each side's interests and issues in joint session• Debrief in large group |
| <i>6:15- 6:45 pm</i> | Break |
| <i>6:45 – 7:30 pm</i> | Still in Stage Two - Effective Use of the Caucus <ul style="list-style-type: none">• Presentation/Discussion: When, Why & How to Caucus• Simulation #3: small groups, mediator working to identify each side's issues & interests in caucus• Debrief in large group |
| <i>7:30 – 8:45 pm</i> | Stages Three & Four – Generating & Evaluating Proposals <ul style="list-style-type: none">• Simulation #3: small groups, mediator working to assist each side in generating and evaluating proposals• Debrief in large group• Presentation/Discussion: Mediator's Role in Generating & Evaluating Proposals |
| <i>8:45 – 9:00 pm</i> | Day Two Q & A; Summary of Key Ideas, Neutral Strategies |

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DAY THREE: Sat., Dec. 4, 2010, 9:00 am – 4:30 pm

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| <i>9:00 – 9:15am</i> | Welcome: Highlighting Inevitable and Final Challenges |
| <i>9:15 – 10:30am</i> | Stages Five & Six: Reaching Agreement & Conclusion <ul style="list-style-type: none">• Simulation #3: small groups, mediator working to have sides reach agreement on settlement.• Debrief in large group• Presentation/Discussion: Facilitating Agreement & Overcoming Barriers• Presentation/Discussion: Mediators' Role in Crafting Terms• Presentation/Discussion: Concluding, Settlement or None. |
| <i>10:30 – 10:45am</i> | Break |
| <i>10:45 – 11:45 am</i> | Ethical Considerations in Mediation <ul style="list-style-type: none">• Presentation/Discussion: Ethical Standards for Mediators• Presentation/Discussion: Ethical Dilemmas |
| <i>11:45am – 1:00pm</i> | Emotional Dynamics in Mediation <ul style="list-style-type: none">• Simulation #4: small groups, mediators work with dispute with difficult emotional dynamics• Debrief in large group• Presentation Discussion: Impartiality• Presentation/Discussion: Handling Emotions & Core Concerns |
| <i>1:00 – 1:45 pm</i> | Lunch |
| <i>1:45 – 3:00 pm</i> | Special Mediation Situations & Techniques <ul style="list-style-type: none">• Simulation #5: Fishbowl mediation of complex dispute, parties with/without counsel, mediators rotate to tackle complex issues, debrief.• Presentation/Discussion: Special Mediation Situations & Techniques |
| <i>3:00 – 3:15 pm</i> | Break |
| <i>3:15- 4:15 pm</i> | Final Mediation Simulation <ul style="list-style-type: none">• Group Challenge for Final Mediation; Debrief |
| <i>4:15 – 4:30 pm</i> | Day Four Q & A; Grand Summary |