



## ***Mediator Essentials: Skills for Facilitating Negotiated Agreements***

### **32-HOUR INTRODUCTORY MEDIATOR TRAINING COURSE**

#### **Day 1**

<b>8:00 a.m.</b>	<b>Registration</b>	
<b>8:30</b>	<b>Participant Problem-Solving Exercise: <i>The People Hunt</i></b>	
<b>9:00</b>	<b>Welcome and Introductions</b>	
<b>9:30</b>	<b>Dispute Resolution Processes: Putting Mediation into Perspective</b> (60 minutes) <i>Lecture/Facilitated Discussion</i> <ul style="list-style-type: none"><li>▪ The Dispute Resolution Continuum</li><li>▪ Overview of dispute resolution processes</li><li>▪ Comparison of mediation with adjudicative forms of dispute resolution</li></ul>	
<b>10:30</b>	<b>Break</b>	
<b>10:45</b>	<b>Mediation and the Mediator: An Overview</b> (75 minutes) <ul style="list-style-type: none"><li>▪ Mediation defined</li><li>▪ Nature of the process</li><li>▪ Objectives and goals</li><li>▪ Process phases</li><li>▪ Mediator roles</li><li>▪ Mediator skills, abilities and other attributes</li></ul>	
<b>12:00 p.m.</b>	<b>Lunch</b>	
<b>1:00</b>	<b>Mediation Demonstration</b> (90 minutes) <i>Video/Analysis/Discussion</i>	
<b>2:30</b>	<b>Break</b>	
<b>2:45</b>	<b>Communication Dynamics in Mediation</b> (75 minutes) <i>Group Participation/Lecture/Facilitated Discussion</i> <ul style="list-style-type: none"><li>▪ <i>Components of a Single Message</i></li><li>▪ Questions: functions, types, forms</li><li>▪ Listening guidelines</li><li>▪ Response styles</li><li>▪ Emotional content</li><li>▪ Kinesthetics, proxemics, and other nonverbal considerations</li><li>▪ Communication barriers</li></ul>	



<b>4:00</b>	<b>Insights into Conflict</b> <i>Participant Exercise/Lecture/Facilitated Discussion</i> <ul style="list-style-type: none"><li>▪ <i>Conflict Styles Questionnaire</i></li><li>▪ The Nature of Conflict: <i>Conflict Word Association</i></li><li>▪ Responses to Conflict<ul style="list-style-type: none"><li>- Avoidance</li><li>- Accommodation</li><li>- Competition</li><li>- Compromise</li><li>- Collaboration</li></ul></li></ul>	(60 minutes)
<b>5:00</b>	<b>Q&amp;A Day 1 Topics /Assignments for Mediation Simulation #1</b>	(30 minutes)
<b>5:30 p.m.</b>	<b>Adjourn</b>	
 <b><u>Day 2</u></b>		
<b>8:30 a.m.</b>	<b>Day 1 Reflections/Transitions to Day 2</b>	(15 minutes)
<b>8:45</b>	<b>Cross Cultural Dynamics in Mediation</b> <i>Lecture/Facilitated Discussion/Participant Exercise</i> <ul style="list-style-type: none"><li>▪ Characteristics of culture</li><li>▪ Names/labels/descriptions given to cultures</li><li>▪ Identifying cross-cultural challenges in mediation<ul style="list-style-type: none"><li>- <i>Participant Exercise</i></li></ul></li><li>▪ Low context / high context cultures</li><li>▪ Tips for navigating cross-cultural mediations</li></ul>	(45 minutes)
<b>9:30</b>	<b>Extent (or Limit) of Mediator Influence to Effect Settlement</b> <i>Lecture</i> <ul style="list-style-type: none"><li>▪ Sources of Mediator Influence</li><li>▪ Impediments to Mediator Influence</li></ul>	(45 minutes)
<b>10:15</b>	<b>Break</b>	
<b>10:30</b>	<b>Negotiation Fundamentals</b> <i>Participant Exercise/Lecture/Facilitated Discussion</i> <ul style="list-style-type: none"><li>▪ <i>Negotiating for Mutual Benefit</i></li><li>▪ Why Negotiate? Why Not Negotiate?</li><li>▪ Negotiation Defined</li><li>▪ Distributive Negotiation and Positional Bargaining</li><li>▪ Integrative Negotiation and Principled Bargaining</li><li>▪ Issues and Positions, Interests and Options, Standards and Criteria</li></ul>	(90 minutes)
<b>12:00 p.m.</b>	<b>Lunch</b>	



**1:00 p.m.**      **Settlement-Building Techniques / Dealing with Impasse**      (90 minutes)  
*Lecture/Facilitated Discussion/Participant Exercise*

- Exercise in Collaboration – *Prisoners’ Dilemma*
- “Analytical” techniques used by mediators
- Settlement-building techniques
- Working Past Impasse
  - Identification of causes/effects
  - Creative thinking/options-generating approaches
  - Risk assessment techniques
  - Empathy-building techniques
  - Assessing alternatives to no agreement
  - Mediator’s Proposal

**2:30 p.m.**      **Break**

**2:45 p.m.**      **Mediation Simulation #1**      (135 minutes)  
*Linens for Less -and- Mammoth Mills*      *Break during Mediation Session*

- PRE-MEDIATION PREPARATION  
*2:45 – 3:00 (15 min)*
- CONDUCT THE MEDIATION SESSION  
*3:00 – 4:30 (90 min)*
- INDIVIDUAL TEAM FEEDBACK TO MEDIATORS  
*4:30 – 4:45 (15 min)*
- PLENARY DEBRIEF  
*4:45 – 5:00 (15 min)*

**5:00**      **Q&A Day 2 Topics /Assignments for Simulations #2 & #3**      (30 minutes)

**5:30 p.m.**      **Adjourn**

**Day 3**

**8:30 a.m.**      **Analysis of Mediator’s Opening Remarks**      (60 minutes)  
*Lecture/Discussion*

- Guidelines for the mediator’s opening remarks
- Mediator’s opening remarks checklist
- *Participant Exercise*
  - Participant preparation/presentation of short opening remarks

**9:30**      **Break**



<b>9:45</b>	<b>Mediation Simulation #2</b> <i>Richardson Roofing -and- Kwik Seal, Inc.</i>	(135 minutes) <i>Break during Mediation Session</i>
	<ul style="list-style-type: none"><li>▪ PRE-MEDIATION PREPARATION <i>9:45 – 10:00 (15 min)</i></li><li>▪ CONDUCT THE MEDIATION SESSION <i>10:00 – 11:30 (90 min)</i></li><li>▪ INDIVIDUAL TEAM FEEDBACK TO MEDIATORS <i>11:30 – 11:45 (15 min)</i></li><li>▪ PLENARY DEBRIEF <i>11:45 – 12:00 (15 min)</i></li></ul>	
<b>12:00 p.m.</b>	<b>Lunch</b>	
<b>1:00</b>	<b>Setting the Stage for Effective Mediation</b> <i>Lecture/Facilitated Discussion</i>	(60 minutes)
	<ul style="list-style-type: none"><li>▪ Logistics and Physical Environment<ul style="list-style-type: none"><li>- Pre-mediation logistics checklist</li><li>- Physical environment</li><li>- Developing ground rules</li></ul></li><li>▪ Process Customization and Substantive Preparation<ul style="list-style-type: none"><li>- Process planning tailored to party needs/unique dynamics</li><li>- Substantive preparation</li></ul></li></ul>	
<b>2:00</b>	<b>Practice Tips and Tools</b> <i>Lecture/Facilitated Discussion</i>	(30 minutes)
	<ul style="list-style-type: none"><li>▪ Time Management</li><li>▪ Scheduling</li><li>▪ Note Taking</li><li>▪ Maintaining/Protecting Confidentiality</li><li>▪ Creating and Maintaining a Conflicts Data Base</li></ul>	
<b>2:30</b>	<b>Break</b>	
<b>2:45</b>	<b>Mediation Simulation #3</b> <i>Debra Marlowe -and- James Dorn</i>	(135 minutes) <i>Break during Mediation Session</i>
	<ul style="list-style-type: none"><li>▪ PRE-MEDIATION PREPARATION <i>2:45 – 3:00 (15 min)</i></li><li>▪ CONDUCT THE MEDIATION SESSION <i>3:00 – 4:30 (90 min)</i></li><li>▪ INDIVIDUAL TEAM FEEDBACK TO MEDIATORS <i>4:30 – 4:45 (15 min)</i></li><li>▪ PLENARY DEBRIEF <i>4:45 – 5:00 (15 min)</i></li></ul>	
<b>5:00</b>	<b>Q&amp;A Day 3 Topics/Assignments for Mediation Simulation #4</b>	(30 minutes)
<b>5:30 p.m.</b>	<b>Adjourn</b>	



**Day 4**

- 8:30 a.m. Mediator Ethics** (90 minutes)  
*Lecture/Facilitated Discussion*  
**ETHICS**
- Why Mediator Ethics?
  - Model Standards of Conduct for Mediators
  - “Where’s the Line?”
    - Facilitation, Persuasion, Coercion, Manipulation
  - Mediating “Ethically and Effectively”
- 10:00 Break**
- 10:15 Mediation Simulation #4** (135 minutes)  
*David Fielding -and- DAX Electronics* *Break during Mediation Session*
- PRE-MEDIATION PREPARATION  
*10:15 – 10:30 (15 min)*
  - CONDUCT THE MEDIATION SESSION  
*10:30 – 12:00 (90 min)*
  - INDIVIDUAL TEAM FEEDBACK TO MEDIATORS  
*12:00 – 12:15 (15 min)*
  - PLENARY DEBRIEF  
*12:15 – 12:30 (15 min)*
- 12:30 Lunch**
- 1:30 Philosophical Orientations and Mediator Styles** (60 minutes)  
*Lecture/Participant Exercise/Facilitated Discussion*
- Distributive negotiation and the directive mediator
  - Integrative negotiation and the facilitative mediator
  - Transformative mediation and the ameliorative mediator
- 2:30 Break**
- 2:45 Developing a Mediation Practice** (75 minutes)  
*Lecture/Facilitated Discussion*
- Getting Started
    - Education and Training
    - Experience
    - Realistic Expectations
  - Determining Scope of Practice
  - Marketing
    - Pricing
    - Website
    - Advertising (print, electronic and mass distribution)
    - Social Media
    - Mailing (U.S. postal and email)
    - Personal



- ▶ Networking
- ▶ Speaking, writing, publishing and teaching
- ▶ Serving (volunteer opportunities, pro bono and community service)
- ▶ Panel appointments/memberships
- ▶ Provider “partnering”

**4:00**                    **Q&A Day 4 Topics /Summary/Evaluations/Certificates**                    (30 minutes)

**4:30 p.m.**            **Adjourn**