Mediator Essentials: 
Skills for Facilitating Negotiated Agreements

32-HOUR INTRODUCTORY MEDIATOR TRAINING COURSE

Day 1

8:00 a.m.  Registration

8:30  Participant Problem-Solving Exercise: The People Hunt

9:00  Welcome and Introductions

9:30  Dispute Resolution Processes: Putting Mediation into Perspective  (60 minutes)

Lecture/Facilitated Discussion
- The Dispute Resolution Continuum
- Overview of dispute resolution processes
- Comparison of mediation with adjudicative forms of dispute resolution

10:30  Break

10:45  Mediation and the Mediator: An Overview  (75 minutes)

- Mediation defined
- Nature of the process
- Objectives and goals
- Process phases
- Mediator roles
- Mediator skills, abilities and other attributes

12:00 p.m.  Lunch

1:00  Mediation Demonstration  (90 minutes)

Video/Analysis/Discussion

2:30  Break

2:45  Communication Dynamics in Mediation  (75 minutes)

Group Participation/Lecture/Facilitated Discussion
- Components of a Single Message
- Questions: functions, types, forms
- Listening guidelines
- Response styles
- Emotional content
- Kinesthetics, proxemics, and other nonverbal considerations
- Communication barriers
4:00 **Insights into Conflict**
*Participant Exercise/Lecture/Facilitated Discussion*
- Conflict Styles Questionnaire
- The Nature of Conflict: *Conflict Word Association*
- Responses to Conflict
  - Avoidance
  - Accommodation
  - Competition
  - Compromise
  - Collaboration

5:00 **Q&A Day 1 Topics /Assignments for Mediation Simulation #1**

5:30 p.m. **Adjourn**

**Day 2**

8:30 a.m. **Day 1 Reflections/Transitions to Day 2**

8:45 **Cross Cultural Dynamics in Mediation**
*Lecture/Facilitated Discussion/Participant Exercise*
- Characteristics of culture
- Names/labels/descriptions given to cultures
- Identifying cross-cultural challenges in mediation
  - *Participant Exercise*
- Low context / high context cultures
- Tips for navigating cross-cultural mediations

9:30 **Extent (or Limit) of Mediator Influence to Effect Settlement**
*Lecture*
- Sources of Mediator Influence
- Impediments to Mediator Influence

10:15 **Break**

10:30 **Negotiation Fundamentals**
*Participant Exercise/Lecture/Facilitated Discussion*
- Negotiating for Mutual Benefit
- Why Negotiate? Why Not Negotiate?
- Negotiation Defined
- Distributive Negotiation and Positional Bargaining
- Integrative Negotiation and Principled Bargaining
- Issues and Positions, Interests and Options, Standards and Criteria

12:00 p.m. **Lunch**
1:00 p.m.  **Settlement-Building Techniques / Dealing with Impasse**  
*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**  
*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**  
*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**
Mediation Simulation #2
Richardson Roofing -and- Kwik Seal, Inc.

- **PRE-MEDIATION PREPARATION**
  9:45 – 10:00 (15 min)
- **CONDUCT THE MEDIATION SESSION**
  10:00 – 11:30 (90 min)
- **INDIVIDUAL TEAM FEEDBACK TO MEDIATORS**
  11:30 – 11:45 (15 min)
- **PLENARY DEBRIEF**
  11:45 – 12:00 (15 min)

12:00 p.m.  
**Lunch**

Setting the Stage for Effective Mediation
**Lecture/Facilitated Discussion**
- Logistics and Physical Environment
  - Pre-mediation logistics checklist
  - Physical environment
  - Developing ground rules
- Process Customization and Substantive Preparation
  - Process planning tailored to party needs/unique dynamics
  - Substantive preparation

Practice Tips and Tools
**Lecture/Facilitated Discussion**
- Time Management
- Scheduling
- Note Taking
- Maintaining/Protecting Confidentiality
- Creating and Maintaining a Conflicts Data Base

Break

Mediation Simulation #3
Debra Marlowe -and- James Dorn

- **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)

Q&A Day 3 Topics/Assignments for Mediation Simulation #4

5:00  
Adjourn
Day 4

8:30 a.m. Mediator Ethics (90 minutes)
Lecture/Facilitated Discussion
- 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