



Mediator Opening Statement

Introduce yourself and the parties. How would you like to be addressed?

Introduce Mediators-in-Training and explain their role.

Conflict of Interest check

- Disclose to parties if you know any of them and how you know them
- Disclose if you have mediated for the agency before
- If you do have previous connection and believe you can serve impartially, let everyone know that and ask for their permission to continue

Inform the parties that you will spend a few minutes describing the process and expectations. Thank them for their attention. Encourage them to ask questions.

Commend parties for their decision to use mediation

Remind parties that mediation is a voluntary process

- Are parties here voluntarily?
- Are all parties that are required to reach an agreement present?
- What, if any, formal complaints, grievances, etc. are pending?

Confidentiality

- Information that is shared in mediation is confidential, including:
 - Anything said during the mediation
 - Anything written for or during the mediation
- All mediator notes will be destroyed

Exceptions to confidentiality

- As required by a court or by law
- Is already public
- As agreed by the parties
- In cases where a party has prepared a document or communication for mediation and that party wishes to disclose it.
- Written settlement agreements are not confidential

Role of the mediator

- Facilitates impartially, not as an advocate or judge
- Leads the process
- Assists the parties to arrive at their own solutions

Role of the parties to mediate in good faith

- Be willing to listen
- Share any information that will help the other party understand your perspective and reach a good agreement
- Keep an open mind
- Consider a range of options beyond the idea that you have brought with you today
- Listen carefully to each other, speak one at a time and use language that will make it easier for the other person to listen to your point of view

Do we have a commitment to mediate in good faith?

The process

- Client Opening Statements and Mediator Feedback
- Emphasize uninterrupted time to speak
- Developing a list of items to discuss (an agenda)
- Negotiating issues and interests or concerns
- Private meetings with each party (caucus)
 - Explain confidentiality and use. Anyone can request
- Settlement Agreement, forms, THEIR agreement
- 3-6 months after the mediation, you may be contacted by the mediators to follow up with you to see how things are going

Time constraints?

Any special needs?

Questions?

Agreement to Mediate

- Read aloud to all participants (optional)
- Have all sign the original
- Distribute photocopies to all parties

Determine party to begin