

COMPONENTS OF MEDIATION ORIENTATION

*This is a general guide for mediators to consider, leaving discretion with mediators to develop a personal style for orientation sessions

Pre-mediation orientations help build rapport with parties; help parties make voluntary, informed decisions about proceeding with mediation; provide opportunities for the parties to tell their story and become clearer about their issues and goals; and encourage parties' abilities to act and decide for themselves. It is also a time where the mediator begins to screen for ethical issues such as violence, capacity, and other issues.

Considerations:

The purposes of pre-mediation orientation illustrated below, and relate primarily to ensure that each party is prepared to participate in mediation. Preparation occurs on many dimensions: emotional, intellectual, financial, legal, etc. Pre-mediation orientation sessions allow mediators to explore their clients goals, issues, fears, and other matters, including screening for violence and issues of capacity.

Build Rapport

- Introduce yourself and talk generally with the party(ies), setting a friendly, helpful and comfortable tone for the meeting.
- Ask if you can get anything for the party(ies) (e.g., coffee, water, paper/pen, etc.)
- Talk about the purpose of the orientation
- Tell the party(ies) you are glad he/she is here today and considering mediation. Let he/she know you are here to help him/her with the conflict.

Listening to the parties and Explaining the Mediation Process

- Answer any questions the party may have about mediation and/or the orientation
- Listen to the party and discuss how mediation can work with his/her issues.
- Screen for issues that are inappropriate for mediation and/or may negatively impact his/her decision-making
 - ✓ Incapable of making decisions (e.g., under the influence)
 - ✓ Magical thinking — someone thinking the mediator or the process will “solve” the issue for them.
 - ✓ Domestic violence or any fear from other party (see DV screening)
- Explain the *Agreement to Mediation* and *How to Prepare for Mediation* (see sample forms in this section)
- Identify who needs to be at the table and their willingness to mediate
- Help the parties understand how the process works
- Explain the role of the mediator (may need to explain the difference between a mediator and an evaluator, advocate or arbitrator)
- Explain the role of the parties (decision makers)
- Explain the role of outside experts (help parties make informed decisions) and work with parties to determine what experts they may want to talk with prior to mediation
- Discuss confidentiality (mediator, parties, exceptions—for more information see Section 7) and Discuss the need for disclosure (success of the process)

- Explain the role of a caucus/separate meeting
- Provide forms for divorce mediation or custody mediation as appropriate

Help Develop Clarity

- Help parties become clearer about:
 - ✓ What issues they would like to bring to the table; helping parties reframe an issue in words they are comfortable saying to the other party or words that can be better heard by the other party
 - ✓ What will help them say what they need to say and hear what they need to hear
 - ✓ What their hot buttons are and whether they need guidelines
 - ✓ What has or has not worked in talking with the other party in the past
 - ✓ What would improve their ability to communicate

Help Parties Take the Perspective of Other

- Help parties become clearer about:
 - ✓ How they view the other person's role in the conflict
 - ✓ What would help them be more open and responsive to the other party
 - ✓ What hot buttons they push in the other party

Help Parties Explore What They Want

- Ask each party what they hope to accomplish during mediation
- Explore any goals they have for conflict resolution
- Determine if parties want to continue to mediation and support their decision

Scheduling & Fees

- Clearly describe fees to parties
- Discuss availability and scheduling (possible dates and times)
- Explain that parties will be asked to complete the Project research and evaluation forms rating their satisfaction with the process following the mediation session (see sample forms in this section)