

HOW DO WE “APPROACH” MEDIATION?

Since there are several different mediation “styles”, mediators are often asked to explain their “mediation philosophy or “approach”. Here are some key beliefs that I bring to the mediation process as a mediator:

- I believe strongly in the principle of self-determination and in the ability of parties to evaluate what options will best resolve their dispute.
- I also believe that the mediation process can help the parties gain new perspectives about a dispute and generate options that they might not otherwise identify. For these reasons I prefer to have parties work together in the same room as much as possible, although I will use caucuses to “reality test” positions and discuss an occasional impasse.
- My primary approach as a mediator is facilitative, although I have also been trained in and incorporate transformative mediation techniques. I do not use a “split the numbers” settlement approach, provide unrequested evaluations of a case or matter, or “twist arms” in an effort to achieve settlement.
- I believe the mediator's primary role is to keep the process moving forward and I do so by educating parties on the process, helping the parties listen to and understand each other, and providing organizational structure and guidance in discussions. I will help the parties frame, reframe and sequence issues; summarize information provided and progress made; and help the parties to generate options. I also help the parties focus and sort through the choices to be made.
- Generally, I expect parties to be prepared, willing to explore differences in information or perspectives, and active in discussions. I welcome the participation of counsel in the mediation.
- One of the key benefits of the mediation process, particularly in complex disputes, is the flexibility to adapt the process to the needs of the parties and the issues. I have experience with a number of styles and techniques and so am able to work with (and suggest) a range of procedural options that can help the parties move towards resolution.

We look forward to working with you.