

## **Mediation Preparation: 4 Skills for Mediation A Client Handout**

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If you're preparing for a mediation to solve any type of problem, it helps to know about 4 key skills that can help you during the mediation process. Most mediations involve a mediator who has been trained to stay neutral and help the participants make their own decisions. The mediator is in charge of the process and the participants are in charge of making proposals and making decisions about the issues at hand. Sometimes people try to persuade the mediator to take sides, but the mediator is supposed to be very careful to stay neutral and to help the parties make their own decisions. The following 4 skills can help.

### **1. Managed Emotions**

Talking about unresolved issues can be emotionally upsetting. However, it is possible to manage your own emotions by anticipating upsetting moments and preparing for them. Don't be surprised if you feel frustrated or angry upon hearing different points of view, hearing proposals you don't like, and having to think of alternatives. Remember that most conflicts are resolved through this process of talking and listening and creating solutions. Prepare yourself to deal with any possible difficult moments.

How can you help yourself stay calm? One of the best techniques is to memorize short encouraging statements that you can tell yourself as you are going through the process, such as:

#### **PATIENCE:**

- The agreement at the end is all that matters.
- Sometimes it takes a while, but an agreement is usually reached.
- With high-conflict emotions it usually takes longer, but agreements can still be reached.

#### **DON'T TAKE IT PERSONALLY:**

- Personal attacks are not about me – they're about the person who lacks self-control.
- I don't have to defend myself or prove myself – I'm already okay as a person.
- We can disagree about the past – reaching an agreement about the future is what matters.

### **2. Flexible Thinking**

A big focus of mediation and other settlement methods is making proposals. It helps to prepare proposals for each issue you are trying to resolve or plan to raise in the mediation. That way you don't get stuck in "all-or-nothing thinking" and can avoid just getting upset when your first proposal isn't immediately accepted. Any concern about the past can be turned into a proposal about the future.

It can help to prepare two proposals on any issue, so that you don't get stuck if your first proposal is not agreed to right away. You can make a list of issues and then write two proposals for how you would like to see each one get resolved.

Responding to proposals is another area that can help with practice. In general, it helps to just respond with “Yes” “No” or “I’ll Think About It.” This saves arguing over the proposal itself, since what really matters is finding an agreement. Of course, you can ask questions about a proposal for greater understanding and to picture how it would look if you both agreed. But avoid challenging questions, like: “Why did you say that?” Or: “Do you realize that’s ridiculous?” If you disagree, just pause and say “I won’t agree to that,” and focus on making a new proposal yourself.

### **3. Moderate Behaviors**

Mediation is a structured process, to help people think of reasonable solutions to problems, even when they are upset. Therefore, there are several ground rules in most mediations. It helps to think about them in advance and remind yourself to follow them, including:

- A. Don’t interrupt while the other person is speaking. Instead, make notes to remind yourself of any ideas that pop up while he or she is talking. Then you can raise them when appropriate.
- B. Treat everyone with respect. This means avoiding insulting comments, raising your voice or pointing fingers. These behaviors often trigger defensiveness in the other person. Instead, you want everyone to stay calm and rational, in order to focus on solving the problems you came to discuss. Speaking respectfully goes a long way toward reaching agreements that will work and last over time.
- C. Use “I” statements. These are sentences that start with “I feel...” or “I prefer...” or “I have another idea...” Avoid “You” statements, such as “You always...” or “You never...” “You” statements tend to trigger defensiveness in the other person, which will make it harder to reach an agreement. Just use “I” statements to convey your own perspective, rather than assumptions or criticisms of the other person’s perspective. Remember, all you need to do is to reach an agreement. You don’t need to try to change the other person’s way of thinking (which is unlikely anyway).
- D. Ask to take a break, if necessary. Avoid just getting up and walking out. Ask for a break, so that everyone can stop for a few minutes. Mediation is more flexible than a court hearing or arbitration. Taking breaks can help you earn respect – rather than resentment if you rush out – and can help you calm down if you’re upset. It’s also fine to take a break to get advice from a lawyer, friend or other advisor before you make final agreements. Just ask for some time to do so – either a few minutes, or several days or weeks if necessary. Mediators generally do not pressure you to make final decisions at the same time as you first discuss an issue.

### **4. Check Yourself**

From time to time, ask yourself if you are using these skills. It’s easy to forget in the middle of discussing problems or upsetting issues. The mediator will try to help everyone in the mediation stay calm and focus on understanding problems and finding solutions. Just think about these four skills before the mediation and during the mediation, and you may do very well.

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