

## **The Mediation Process in 5 steps**

Opening statement by the Mediator . This outlines the role of the participants.

Next, the mediator will define the “protocol” and set the time frame for the process. There will be a review of the mediation guidelines and ground rules of communication (see attachment).

### **1. Statement of the Problem by the Parties**

The mediator gives each side the opportunity to tell their story uninterrupted. It is not necessarily a recital of the facts, there is no need to prove anything, but it is to give the parties an opportunity to frame issues in their own mind, and to give the mediator more information on the “non-law”-related issues. Lawyers shall help to go over all the relevant matters. There is no need for them to argue as in court.

The purpose is to make the mediator understand the facts and not to convince anyone. If a party has the very legitimate need to convince someone, this party goes to court then and end the mediation.

The mediator will ask the parties open-ended questions. The mediator may repeat back key ideas to the parties, and will summarize often.

### **2. Problem Identification :what has to be solved**

The mediator tries to list all the issues that have to be addressed and solved. They are common or not to parties.

### **3. Identification of the expectations of the parties on those problems**

Parties express what they expect as an outcome on these problems. This is neither their offer, neither their solutions, neither what they would ask in court.

### **4. Generating Options**

In discussion groups or sub groups, with or without the mediator, parties develop hypothetical plausible scenarios to come out of the conflict. These are neither an offer neither a solution. It does not engage any one. It does not need to be answered at this stage. They can come “out of the blue”. There is no limit to the creativity.

### **5. Bargaining to reach an Agreement**

Once the participants are committed to achieving a negotiated settlement, the mediator will propose finally a brainstorming session to explore those potential options to become potential solutions. This can lead to a final agreement, which ends the conflict and provides a new basis for future relations.