

Sample Mediator's Opening Statement

STAGES	SUGGESTED WORDING
1. Welcome	<ul style="list-style-type: none"> · Welcome parties · Introduce mediators · Check on preference for names (first names? more formal?)
2. Explain process and roles	<p>Mediation is an opportunity for both of you to discuss and address the issues that brought you here today. As mediators, our role is not to judge or advise but rather to help both of you explore possible options for resolution.</p>
3. Voluntary	<p>Mediation is a voluntary process. If you feel at any point that you would not like to continue, please let us know. If the reason for your wanting to stop the mediation cannot be remedied, the session will end.</p>
4. Confidentiality	<p>We will hold all information in confidence with the following exceptions: a planned commission of a crime or harm to self or others. Also, we cannot be called to testify for or against any party should this matter later go to court.</p>
5. Neutrality	<p>We're going to work to be perceived as neutral by each of you. If you think that we are conducting this mediation in a biased manner, please let us know your concerns so we can address them.</p>
6. Structure of mediation	<p>Describe process and let parties know mediation is flexible:</p> <ul style="list-style-type: none"> · Initial meeting together · Mediators' break (if co-mediating) · Private sessions (separate caucuses) · Later joint meetings <p><i>On notetaking:</i> You'll notice that we (the mediators) will be taking notes. We encourage you to do the same, especially if one of you wants to say something while the other is speaking. We plan to throw out our notes at the end in order to fulfill our commitment to confidentiality.</p>
7. Agreements	<p>If you reach an agreement, the terms will be determined by you, the parties.</p> <p>We (the mediators) can assist you if you would like to have your agreement put into writing.</p> <p><i>(if in court)</i> Any agreement you reach will be written and filed with the court. A mediated agreement will have the same weight as a judgment of the court.</p>
8. Confirm Participation / Questions	<p>Are the decision makers at the table? <i>or</i> Do you have to check in with someone else before signing? Any questions before we begin? Do you have any time considerations?</p> <p>(Be prepared to answer questions such as:) How long will this take? What happens if we don't reach an agreement? What happens if the agreement is broken?</p> <p>Ask - are you willing to try mediation? If yes, have parties sign the agreement to participate in mediation form. Attorneys, observers, or others who are present must sign as well.</p>