

Mediation Training Program

Welcome!



Welcome / Introduction of Trainers

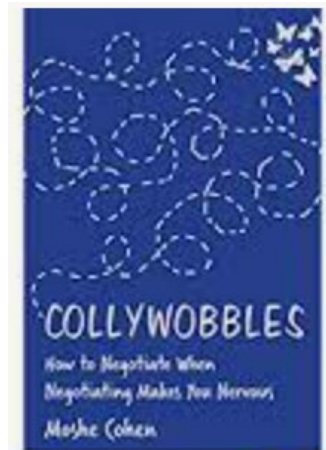
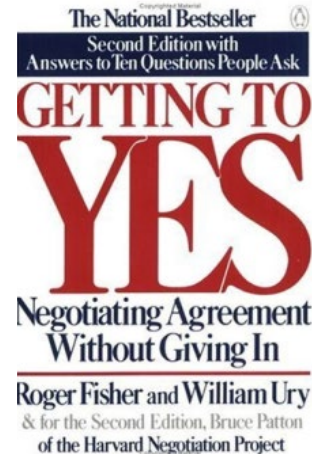
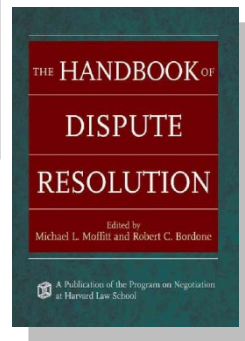
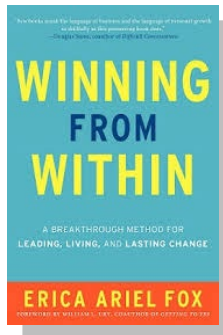
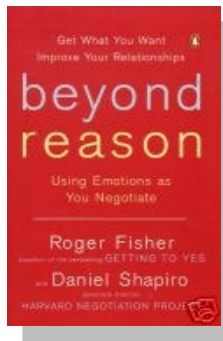
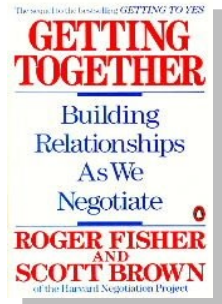
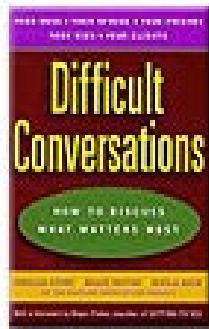
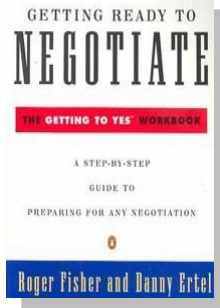
- Timothy M. Linnehan, Esq.
 - ADR Coordinator for the Trial Court
 - Executive Office of the Trial Court
- Josh Hoch
- Nnena Odum
- Diana Chiang Cooke
- Role Play Coaches



History of MWI

- Since 1994, MWI has provided dispute resolution training and services to a range of clients worldwide including:

- Coca-Cola Enterprises
- General Motors
- MassHousing
- Massachusetts Trial Court



Workshop Purposes

- Increase Awareness
- Provide Analytical Frameworks
- Enhance Skills
- Provide a Low-Risk Learning Environment



Program Topics

- An overview of mediation and other ADR (Alternative Dispute Resolution) methods
- Mediation styles
- Understanding conflict
- The role and skills of a mediator
- Introduction to co-mediation
- Principles of mediation
- The art of effective questioning, open-ended questions, listening, summarizing, re-framing, paraphrasing, and parroting
- Identifying interests
- Role Play - 3 times. Small Group and Fishbowl



Program Topics

- Effective strategies for notetaking
- Empathy and the mediation process
- Dealing with challenging personalities, mediator bias, and challenges to neutrality
- Introduction to and practice with Uniform Dispute Resolution Rule 9: Ethical Standards
- Ethical duties and dilemmas facing mediators
- Mediator confidentiality and dovetailing mediation and the law



Zoom Basics

- Update Name
- Chat
- Polls
- Raise Hand
- Breakout Rooms (stay in rooms)
- Keep Zoom on all day. Turn off video and mute during breaks and lunch.
- Problems? Text Josh at 857-719-6642
- Doomsday,
 - 267-930-4000, Conference Code: 950-293-079
- Materials: <https://www.mwi.org/tc-mediation-training>



Training Material



Housekeeping

- Start at 9:00 AM, and end at 3:30 PM
- Stay hydrated and comfortable
- Morning break at 10:45 AM
- Lunch at 12:30 PM – 30 minutes
- BIN
- Training Manual
- Evaluation
- Certificate and Class Photo
- Check for Zoom updates
 - Zoom App, photo, check for updates



Day 1: Mediation Training

- Group Norms
- Introductions
- Conflict Styles
- Dispute Resolution Process Options
- Mediation Overview
- Principles of Mediation
- Mediation Skills Checklist
- Mediation Demonstration
- Mediator's Introduction
- Goals and Skills of the Initial Joint Session
- Role Play 1
- Lessons Learned
- Wrap-Up Day 1



Group Norms



Introduction of Participants

- Zoom Poll

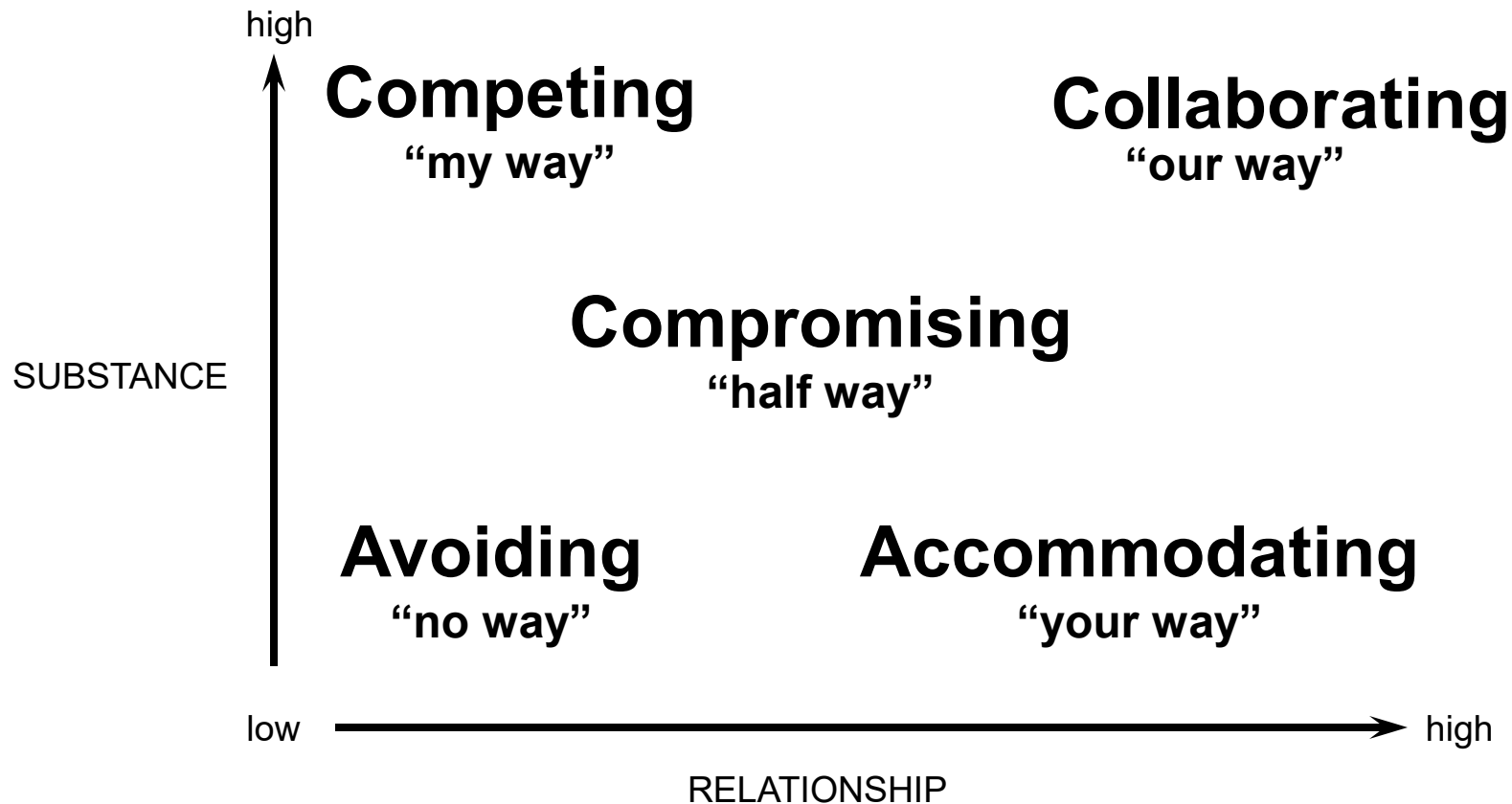


Zoom Poll – Mediation Test

- Poll
- Select true or false.



Conflict Styles



Conflict Styles Test

What is your Conflict Style?

Let's find out!

Take the test - 10 minutes

Are you surprised by the results?



Dispute Resolution

- Alternative Dispute Resolution (ADR), or
- Appropriate Dispute Resolution (ADR), or
- Dispute Resolution (DR)

- Mediation and Dispute Intervention

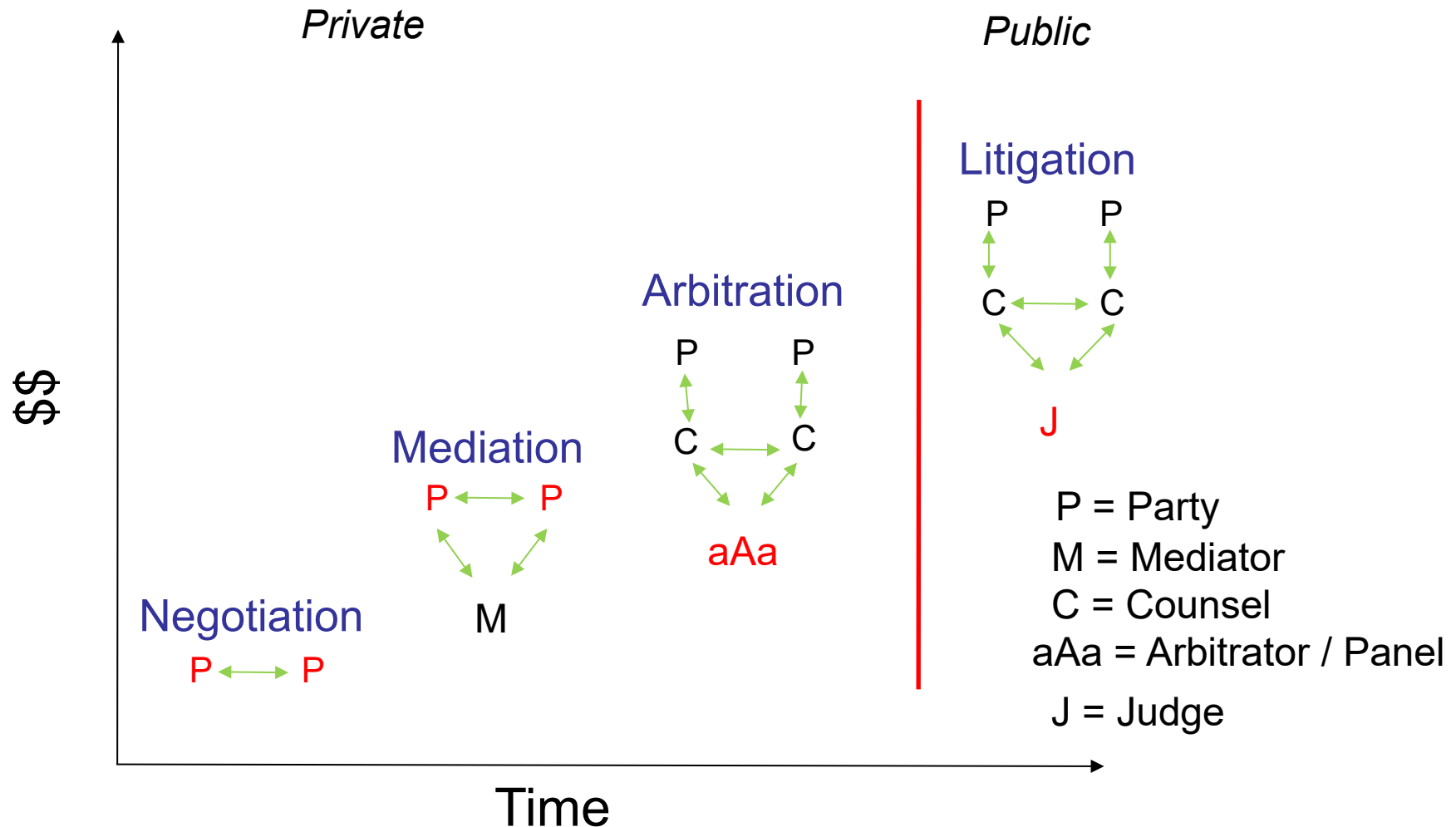
- 1976: Frank Sander, the concept of a multi-door courthouse

- 1994: Court-Connected ADR programs

- SJC Uniform Rules on Dispute Resolution Define
 - Dispute Intervention and Mediation
 - Updated January 2023



Dispute Resolution Processes



SJC Uniform Rules on Dispute Resolution

- Rule 1. Court-connected dispute resolution
- **Rule 2. Definitions**
- Rule 3. Administrative structure
- Rule 4. Implementation
- Rule 5. Early notice of court-connected dispute resolution services
- Rule 6. Duties of courts
- Rule 7. Duties of approved programs
- Rule 8. Qualification standards for neutrals
- **Rule 9. Ethical standards**

<https://www.mass.gov/doc/supreme-judicial-court-rule-118-the-uniform-rules-on-dispute-resolution-including-explanatory/download>



Uniform Rules on Dispute Resolution

- Rule 2 – Definition of Mediation
- What words do you use to describe mediation?
- **“Mediation”** means a voluntary, confidential process in which a neutral is invited or accepted by disputing parties to assist them in identifying and discussing issues of mutual concern, exploring various solutions, and developing a settlement mutually acceptable to the disputing parties
- **Styles of Mediation**
 - Facilitative
 - Transformative
 - Evaluative / Directive



Mediation Overview

- Definition – “Assisted Negotiation”



- Goals of Mediator:
 - Manage process effectively
 - Facilitate communication
 - Focus on interests
 - Help parties define and meet goals



Principles of Mediation

- Voluntary
- Impartiality / Neutrality
- Confidentiality
- Informed Consent
- Self-Determination



Mediation Demo

- Mediator: Josh Hoch
- Party: Timothy Linnehan
- Party: Elise Ramos
- Facilitator: Nnena Odim
- What did the mediator do? What skills did you notice?
 - Use Questions for Observers Handout



Mediation Skills Checklist

1. Managing the Process
2. Managing the Interactions
3. Managing the Information



Structure and Stages of Mediation

Prep – Reading a case file. Screening. Intake.

- Mediator Introduction
- Initial Joint Session (public)
 - Defining an agenda / Identifying interests
- Individual Sessions (private)
 - Generating options / Analyzing alternatives / Making decisions
- Later Private Sessions or Final Joint Session (public)
 - Reaching closure / Agreement Writing

Post-Mediation - Evaluation / Follow-Up



Mediators' Introduction

1. Welcome / Names
2. Explain process and roles
3. Voluntary
4. Confidentiality
5. Neutrality
6. Structure of mediation
7. Agreements
8. Confirm participation / questions



Initial Joint Session

- Mediator 1 and 2 split the Mediators' Opening
- Mediator 1
 - Start with the Plaintiff. (Party A)
 - Informs Party B about next steps and lets them know they will have the same opportunity / Asks Party A – why here and what are you looking for
- Party A speaks
 - Mediator 1 thanks Party B for waiting and summarizes Party A's perspective to confirm understanding / Mediator 2 summarizes any additional points (if needed)
 - Mediator 2 invites Party B to speak – why here and what are you looking for
- Party B speaks
 - Mediator 2 thanks Party A for waiting and summarizes Party B's perspective to confirm understanding
 - Mediator 1 summarizes any additional points if needed
- Mediator 2
 - Asks both parties - Is there anything either of you wish to add? Summarizes
 - Asks each party to define what a successful mediation looks like for them | Listen and summarize



Mediators' Caucus

Why?

- Check-in with co-mediator
- Address any bias
- Resolve problems between co-mediators
- Formulate a strategy to assist parties
- Make decisions together on how to proceed
- Give parties and mediators a break

How?

- How are YOU doing?
- How are WE doing as a team?
- What do we know so far? (interests and options)
- What do we do next and why?
- Who will do what?



About Role-Playing

- 1 Coach
- 2 Parties
- 2 Co-Mediators

- Small group debrief – provide helpful feedback

- **Practice, try new things, take risks, and make mistakes**



Role-Play 1

- Introduction of Coaches
- Car Seller & Car Buyer
- To help with feedback: See *Questions for Observers*.



Role-Play 1 – Debrief

Lessons Learned from Role-Play 1



Wrap Up

Lessons Learned from day 1



WRAP UP