

**MEDIATION STAGES**  
**“An Opportunity for Change”**  
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Note: Mediation sessions may include joint sessions with all parties present, or separate caucus sessions with an individual party and mediator alone.

**Stage One**

Create an environment reflecting professional treatment that optimizes communications and fosters an atmosphere of respectful treatment. Listening is as important as talking in order to build effective relationships. Set ground rules together for the process. Come to agreement about what matters to each party that encourages a sense of safety, trust, respect and privacy. (See ideas set forth below). You don't need to agree, but try to be open to understand.

Help to make the process a place to express and explore everyone's concerns and interests. Consider what you want, need, are concerned about, hope for or do not want. State what is important to you. Try to express what your own experience is rather than make statements about what you think the other person's intent is or your opinion of them generally. Focus on what you want to happen in the future and how you feel now. Mention past events as needed, but realize that change can only happen from a willingness to focus more on the future. Acknowledge areas of common ground. Explore where there are similar interests and concerns, and what may be perceived as roadblocks to resolution. Participate in good faith.

**Stage Two**

New solutions are developed through the process of brainstorming options and creative solutions that directly address the parties' interests and goals. Consider as many options as possible that address the interests, concerns and goals. At this stage do not jump to conclusions about what is best or not possible. After brainstorming several options without evaluating, then let all parties discuss why the options feel acceptable or not.

Grow in awareness about what really matters to each party, and what interests are commonly shared. Evaluate until a consensus is reached about what options best address the parties' most important underlying interests and perceived intentions. Are options realistic, relevant, valued and something to which parties can commit? If no agreement can be reached, continue brainstorming. Mediator questions at this stage can assist parties to explore deeper what might be an area that needs to be expressed, explored or experienced so that a new perspective arises. List accepted options in concrete terms, and define actions clearly.

**Stage Three**

Establish an action plan for change. Check to confirm that all parties understand clearly what the action plan outlines. Make a good faith commitment to implement those actions the parties agree will occur. Be specific. Summarize what the parties agree will address their shared goals. A signed written agreement may encourage closure, clarity and commitment. Parties then commit to carry out the agreement and implement the new actions outlined.

### **Possible Ground Rules:**

An agreement to mediate is a commitment to a process of problem solving. Setting ground rules for the mediation process with input from the parties creates a framework for discussion and creative conflict resolution that is based on trust, safety, respect and privacy.

Some ideas for possible ground rules include the following:

1. Wait until each party has finished communicating before speaking.
2. Use “I” statements rather than accusatory tone or words of attack.
3. Focus on the issue at hand, not issues that cannot be resolved by the parties.
4. Ask for voluntary “breaks” or requests to caucus with the mediator rather than continue in joint session, when needed.
5. Maintain confidentiality about what is being shared, or define the parameters of what information will be kept private or not, and why.
6. Do not interrupt.
7. Speak honestly.