Common Steps in the Mediation Process

Invitation to/initiation of the process

This could be preceded by assessment interviews and assessment report
Who should be included?
What are the key issues?
What data/expertise are needed?
What are our process agreements?
Accomplish this with conference call or face to face meeting

Process preparation and planning

Data exchanges
Expert input if needed
Summarize legal or regulatory issues if needed
If highly technical, meetings of experts to clarify areas of agreement and disagreement

Mediation session -Part 1
Confirm agreement on how we will work together
Have an open, healthy and candid work on each issue
Review pros and cons of the various positions (technical, factual or legal)
Expert presentations if needed
Clarify topics where there is agreement or disagreement
Clarify what happens if no agreement is reached

Conversations on core issues

Development of possible paths forward

Mediation session -Part 2
Identify success criteria of each stakeholder
Develop several proposal "packages" that address all key issues
Assess how well each package meets the success criteria
Improve packages for better results
Stakeholder decisions about whether/how to settle

Decision making and implementation

Mediation session -Part 3
Confirm agreements
Schedule needed actions
Confirm and ensure actions are carried out
Create any needed written agreements or documents

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