

MEDIATOR'S MODEL OPENING STATEMENT

INTRODUCTION: Welcome to this mediation session and thank you for your participation. My name is _____ and I am a neutral for the _____. How would each of you like to be addressed?

TIME: Are all of you still available for at least four hours should it require that amount of time?

ACQUAINTANCE: I have no affiliation with your office and I am not acquainted with either of you prior to this meeting. Is that correct?

Prior to this mediation, you signed an Agreement to Mediation. I will review that Agreement with you now and answer any questions that you may have.

ACCOMMODATIONS: If anyone has a disability that may need to be accommodated during the session, please let me know at any time.

PROCESS GENERALLY: Mediation is a voluntary and informal process used to resolve conflict between the participating parties. Your attendance at this mediation does not imply any admission of guilt or wrongdoing by either party. Mediation offers all participants an opportunity to improve their communications in order to better resolve the issues at hand. The mediation begins with each party receiving an uninterrupted amount of time to explain what brought you to the table today. This should include the facts as you see them and how you feel. After each party has an opportunity to speak, we will formulate a list of interests and issues to create an "agenda" for the session. Using the issues, you will derive options for resolution. From the options, you will select the most appropriate resolution for the issues and then set forth a method of implementation. This mediation session will ideally end with a mutually acceptable written agreement that both parties have signed.

CAUCUS: I may use a process called caucusing. A caucus is a one-on-one private meeting designed to help the mediator clarify some concerns or questions. When calling for a caucus, I will caucus with each of you. Please do not assign significance to the length of time I may spend caucusing with one party or the other. Information in the caucus that is confidential will neither be shared in another caucus nor when the parties reconvene in a joint session. I may ask your permission to share certain information if I believe it will help move the process to resolution. However, I will share the information only if you allow me. Following the caucuses, I will reconvene the joint session and the parties will determine if there is an area of agreement on any issue. Each party has the opportunity to speak with me individually, if necessary, at any time. If you need to take a break, either to speak with me or to take time alone, please suggest one.

MEDIATOR ROLE: As your mediator, I will not be serving as an advocate, attorney, or judge. A mediator's sole function is to act as a neutral person who facilitates your conversation. I can assist parties in arriving at their own solutions. I will not provide legal advice. I will not take sides during this session and have no power to force a decision on you or decide how this matter should be settled. If you need legal advice, you are encouraged to consult an attorney at any time during this process.