

Maximizing Mediation
Two Days of Advanced Mediation Training
with
James C. Melamed, J.D.
CEO of Mediate.com

Day One - Monday August 30, 2010

9:00 a.m. - 10:30 a.m. - ***A Practical History and Realistic View of the Field of Mediation***

- *The speaker's somewhat unique perspective*
- *How did we get where we are today?*
- *Is the field of mediation really a field?*
- *Regulating and managing mediation and mediators*

10:30 a.m. - 10:45 a.m. - ***Break***

10:45 a.m. - Noon - ***Contexts and Models of Mediation***

- *Domestic Relations*
- *Business & Commercial*
- *Workplace & Employment*
- *Civil Litigation*
- *Elder Issue*
- *Foreclosure*
- *Marital*
- *Models: Problem-Solving, Evaluative, Transformative, Eclectic*

Noon - 1:00 p.m. - ***Lunch***

1:00 p.m. - 2:30 p.m. - ***"Maximizing Mediation"***

- *What Mean "Maximizing"*
- *Maximizing as a Response to Power Differential*
- *Three Primary Strategic Approaches for Mediators*
 - *Interest Based Option Development (Problem-Solving)*
 - *Hypothesis Generation and Testing (Mediator Guessing)*
 - *Doubt and Dissonance (Heat)*
- *Specific Maximizing Opportunities*

2:30 p.m. - 2:45 p.m. - ***Break***

2:45 p.m. - 5:00 p.m. - ***A Mediator's 10 Most Valuable Techniques***

1. *Educating Clients Before They Come In*
2. *Rapport Development (matching, pacing, leading)*

3. *Framing*
4. *Perspective Sharing*
5. *Common Ground Techniques*
 - *Common Interests*
 - *Interdependence*
 - *"Easy Points of Agreement"*
6. *Managing Emotional & Relational Issues*
7. *"De-positioning" to Motivating Interests and Positive Intentions*
8. *Questioning Techniques*
9. *"New Perspectives"*
10. *The Reference Point*

5:00 p.m. - End of Day One

Day Two - Tuesday, August 31, 2010

9 a.m. - 10:30 a.m. – ***Review and Application of Most Valuable Techniques plus:***

- *Creating Experiential Expectations of Success (future pacing success)*
- *Organizing the Effort – The Logistical Conference Call*
- *Providing the Experience of Being Heard*
- *Joint Session and Caucusing – What Works and What Doesn't?*
- *Face to Face and Electronic Communication*

10:30 a.m. - 10:45 a.m. - ***Break***

10:45 a.m. - Noon - ***Applying the Techniques – Case Challenges***

Using "fishbowl," the group will consider and practice managing challenging case vignettes

Noon – 1:00 p.m. - ***Lunch***

1:00 p.m. - 2:30 p.m. - ***We Are All Online Mediators – the use of electronic communication in dispute resolution***

- *Face to Face or Online?*
- *Effective Use of Web Resources*
- *Use of Email and Attachments*
- *Memorializing Progress and Tracking Changes*
- *Modalities of Communication*
 - *Face to Face – Online*
 - *Text, Image, Audio, Video*
 - *Synchronous and Asynchronous*
 - *"Digital Accountability"*
 - *Issues of Confidentiality and Security*
- *Generational Differences*

2:30 p.m. – 2:45 p.m. - **Break**

2:45 p.m. – 4:00 p.m. - **Mediation In the Future**

- *To what extent in or out of the legal process?*
- *Reconsidering community mediation*
- *The adaptability and scalability of mediation*
- *Digital divide?*
- *Courts and agencies as change agents - Electronic filing and referral*
- *Mediation in your pocket*
- *Emissary mediation*
- *Mediation as a part of daily life or as by-product of rarified litigation system?*

4:00 p.m. - 5:00 p.m. - **Ethical Dilemmas Mediating Online and In the Future**

5:00 p.m. - End