

# A Curriculum in Mediation™



[version](#)

**Peer Mediator Training Workshop Presenter Notes** - [view page 12](#)

## 12 Initial Statements from Disputants- M3

Need MITs in quads with workbooks and with pen/pencil

PLEASE NOTE: The information below **supplements** the specific flow and process directions of the *Student Workbook* pages and is reflective of the theory and practice delineated in the 12 page pdf *Conflict Management* booklet. Therefore, this "teacher's guide" information, the *Student Workbook* information and the *Conflict Management* booklet *work together* for presenters' preparation and should be considered integral to one other. *No document stands on its own from a presenter's preparation viewpoint.* Use the [view page](#) \_\_\_ link above, page by page, to view related *Student Workbook* pages. Download the 12 page pdf *Conflict Management* booklet to your desktop, read it once, and have it ready as reference as you proceed with preparation.

### EXECUTIVE SUMMARY

**Initial Statements from Disputants** <[12mit.pdf](#)> (2.6 MB) [**12 M3**] [view](#). Back to our missing iPod mediation, It's a good place to give some verbal strokes for their cooperation and participation so far. The graphic depicts the area of the mediation journal where mediators will now take notes as each disputant tells his/her story for the first time. The skills of active listening, open style questioning and beginning to sense non verbal communication (body language) are to be practiced. The first 2/3 of page **M3** are devoted to this process. Reference is made back to "Let's Pretend" to remind MITs of the role play process and expectations of each role player - the [two sided reminder placard](#) is in place at the tables. A checklist is also provided for mediators on this page (**M2**). MITs pause before switching roles (part way through this section) as we will want to discuss what just happened and for CFU. It's OK to go slow here! Focus on feelings, lance the boil, and keeping the dispute in the hands ("on the backs") of the disputants is stressed. The picture of mediators wearing a Teflon reflector suit is helpful. Before switching roles within groups, we direct MITs attention to the manner in which we will accomplish the switch - the directions are printed just below the *STOP & WAIT* admonition 3/4 of the way down the page. Mediators who were focused on that role, may need to review their new part as disputant - although they did see "themselves" (their new role) across the table from them "live" as they mediated. After **roles are switched**, the process is repeated. When we're done with this part, each MIT will have been a mediator of some sort and will have played a disputant, again, of some sort. But now, alas, back to the drudgery of training in some theory (hidden agendas & common ground) next as the upper 1/5 of **M4** helps us to get started on **HA**, next page. Hopefully that little bit of role play just completed has our MITs refreshed and motivated.

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*A reminder, that EVERYTHING we do now is to enable disputants who are angry and "out of their minds," a bit, to get back into their minds where their **decision maker part of their mind** can become better able to **choose another way** of dealing with their dispute. This is the essence of their empowerment by us. We help them to reveal for themselves what they already have, but have hidden! Our work will open the door for them to dispel their anger and to broaden their vision of choices available to them. We merely allow this and help them to clear their path. **They**, ultimately, must then choose. The profound question of, "Would you rather be happy or right?" may need to be faced in part or whole as part of the confrontation and examination of their issues. We begin our issue information gathering facilitating process, now.*

We first must take a *brief*, but, welcome break from theory and return to our mediation role play to *practice the theory* that we've just studied. Roles are those in which we *ended* our work on **M2**--each MIT has completed steps 1-4 (including signatures) and we have already switched from where we began our day. *Stay in that role* as we begin our work here. We *will* switch roles back again, halfway through, however.

*These detailed "role switch" directions to presenters may now appear less (in these pages) as the student workbook leads us through role switching today. At times, however, and for emphasis at particularly critical points, the "role switch" directions may be repeated, or expanded, within these pages for presenters. At each switch, the [table placard](#) should be re-oriented correctly.*

Begin by asking MITs to have their *Mediation Journal* in front of them. Last we left our situational role play, we were discussing *which disputant should speak first* and how we would *alternate* who goes first throughout. Quickly remind the MITs that, even though *we in training* know what's going on in the dispute, *nothing has been role play processed yet* about the *dispute*. Proceed and pretend that we, as mediators, know **nothing** and must do our "talk show host" thing using our new skills.

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Here is information repeated (again) from our questioning and listening skills section . . .

*We continue to "lance the boil" in this questioning strategy. The direction of questioning which includes the words, ". . .you feel?" keeps the focus on feelings and on the disputants. In all that follows, we keep the focus on the two people before us and their dispute and not stray off toward judging or assuming information about third parties. There is such temptation to avoid the issues of hard feelings. Keep the dispute with the disputants, also. Do not offer solutions or advice. Wear your Teflon reflector suit at all times. Gently and persistently return the issues back to disputants that they may grapple with them under your caring control. Never, in any manner, attack disputants with your questions. Act as if you are totally ignorant of the situation and you need them to tell you about it. This helps to preserve your necessary neutrality. Remember, that what you are hearing is what the other disputant is also hearing. You help them to communicate with each other through you.*

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Let us then return to the role play and begin to help our disputants. To this point, we've only have the disputants' names entered on the journal and had disputants agree to, and sign off on, the eight rules of mediation. The scene is now set to move on to step 2 of the mediation - *initial statements* by each disputant. Have the MITs playing disputant roles look at the table placard and have MITs playing mediator roles get set as to who is *recorder* and who is *co mediator*. Ask for a show of hands when all are ready. Answer any questions, as needed. We've been on a theory detour for a while and we need to bring them back to the scenario of the dispute role play. *Briefly describe the scenario*, if that helps. Does everybody know the story and their roles? See first paragraph above, again, if needed.

During this critical stage of the mediation, the *no interrupt rule must be enforced* as mediators stay in control of the two upset disputants. We will relax that rule *later*, however, when things are well in control as *issues* are the focus rather than personal attack thoughts by disputants. *Re-establish* who goes first as discussed a while ago. *Mediators must remember this so that they can allow the other disputant to go first in the next step*, shown in figure 4 on this page.

Now, tell the MITs to invite the *first disputant* to speak, taking very brief notes, and trying to use all their skills (including the 80/20 eye contact technique to catch some body language from *both* disputants) that we just discussed. If you as presenters have *not* covered the 80/20 rule, this is your final "good" place to do it. A

*little multitasking confusion here is normal and maybe even desired as a motivator to pay better attention to theory and its practice.* There is still a little more theory to come on the horizon, so to speak. Having MITs picture themselves as the exemplary mediators on the video may be helpful to some here. **"Play the part"** - even if you move more slowly than the video mediators while doing so. Picturing ***mediation as a caring conversation*** among students may help.

When appropriate, tell the MITs, "After you are certain that the first disputant is finished *speaking*, say your "thank you" and, also, *thank the other for listening*. ***Whenever the story telling begins to repeat itself, or get far off the subject, guide it to an end.*** Next, allow the *second* disputant to speak. Try to *make your notes look equal in amount*." Skilled questioning can make the time *seem* equal. Some disputants may need ***help*** to express themselves and mediators can help with good questions. The objective is to make it at least *appear* equal. See the notes and steps 1-5 under the word ***PRACTICE*** and discuss them with the mediators. Presenters encourage Pat and Kelly to interrupt **ONCE** (only) so that mediators can practice enforcing the ***no interrupt rule***. Quads should wait for all others to finish if they are done early. At end, ask if there are any questions, concerns, ***before we reverse roles***.

Have mediators & disputants switch roles **exactly please** as noted in the sentence near the bottom that begins, "MIT formerly playing Pat. . ." at this juncture so that former disputants can now get their turn practicing questioning and listening skills as ***mediators as above--steps 1-5 of M3***.

Finally, after ***both*** diads of each quad have completed their roles as mediators, ***and, as a whole group***, we address *questions 1 & 2* at the ***bottom of M3***. Here are some ***answer thoughts***. Persons in dispute may have trouble staying on the subject because of their *upset* condition, or they may simply lack good communication skills. Mediators need to guide them so as to allow "heat *and* light" to appear. Mediators need to check for their own understanding of things said ***all*** the time to be effective. Every time information is clarified, *everyone* at the table has an opportunity to hear that information *once again*. If some MITs were not accurate with their feedback to disputants, for example, have them suggest a strategy, like slowing down to do better next time. Help them (inductively) to *their* answer as best you can while modeling the behavior you are seeking from them. This gives you, as presenters, a chance to practice your own ("field") mediation skills - see pg. 12 of the [\*Conflict Resolution\*](#) booklet if you need a quick look at this type of mediation *before* your workshop.

The next page (**HA**) will be used with **M4**. Go to **M4** for now to complete the discussion of what we did on this page (**M3**). We're also going to touch upon "***hidden agendas***" theory which we promised to get to on the list at the bottom of page **M2**. We apologize in advance for the "rapids of reading" just ahead. We'll jump around a bit and for a brief time but it may be a refreshing change of pace for our "theory" delivery.

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