

Newsletter # 13

For those of you not triskaidekaphobic, welcome to newsletter # 13.

There are different skill sets that each mediator brings to the table. Every mediator uses different methods to get the parties to begin to bargain; however, in my view one of the most important skills is that of observation.

At the outset of my mediation sessions (and this applies to DRO sessions as well) I give each side an opportunity to tell me about their case. This is an essential part of the mediation in that it both gives each party a chance to vent, and also to feel that they've finally been heard by the other side. It is also the time when the savvy mediator can observe how the information is being received, and which parts of it are having the greatest impact.

If the party hearing the information gets upset about child-related issues, but not so much about the financial aspects of the matter, then it's probably wise to begin to find common ground on money issues, and leave the custody/access matters to be worked on later.

Nothing kick starts a mediation better than coming to an agreement on an issue, regardless of how minor it is. Every issue resolved is a building block upon which a final deal can be constructed.

So, the first skill the mediator brings to the table is the ability to listen and observe. Unless one is using a strictly evaluative method (for a definition see Newsletter # 2), best practice is for the mediator use his eyes and ears before he uses his mouth. Let the parties guide you to the resolution.



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