



COASTAL
FAMILY LAW AND MEDIATION

TIPS FOR

Mediation

01

DEFINE YOUR

Goals

Clarify what you hope to achieve through mediation. Identify your interests, needs, and priorities. Think about what outcomes are most important to you and what you are willing to compromise on.

02

GATHERING

Information

We will assist you in gathering relevant information about the issues being mediated, such as financial documents, communication history, and relevant legal or factual information, but it is important you also think through what information you would need to have in order to make long term decisions.

03

ASK *Questions*

Don't be shy. Ask questions that you may have so you know what to expect during the mediation process.

04

CONSIDER *Alternative options:*

For every proposal you want to make, think of 1 – 2 alternatives which could also work. This will help you have flexible thinking. It assists you to be open to creative solutions and consider different perspectives. Think about potential trade-offs and compromises that may be necessary to reach a resolution.

05

LISTEN TO *Understand*

You do not have to agree with what the other person is saying (you often won't), but you should be able to re-state the person's request (this shows that you heard it and understood it).



06

Often using statements that start with “I” – such as “I want”, “I need”, “I felt” are going to be better received than statements that start with “You”, such as “You did”, “You didn’t”, which tends to trigger defensiveness.

Also try to avoid all or nothing thinking. If you hear yourself say “you always” or “you never”, reframing it slightly to “often” or “at times” will allow the other person to hear the content of the concern rather than arguing about the frequency of the occurrence.

If you are concerned that it will be difficult to express yourself, let us know so we can troubleshoot in advance.

PRATICE

Communication skills:

Be prepared to express your thoughts and emotions clearly and respectfully.



07 BE FUTURE *Focused:*

Any problem from the past can be a proposal for the future. Ask for what you want or need going forward instead of blaming the other person for what happened in the past.



08 MANAGE *Emotions:*

Mediation can be emotionally charged, and it's important to be prepared to manage your emotions during the process. Take care of yourself and find healthy coping mechanisms to manage stress or emotional triggers that may arise during mediation. Ask for breaks if you need them

HOW TO MAKE A *Proposal*

Often in mediation have to work to resolve issues with someone who is very capable of “pushing our buttons” or who makes personal attacks.

The good news is, you do not have to get hooked.

INSTEAD OF GETTING CAUGHT UP IN THESE DEFENSIVE AND PERSONAL DISPUTES, JUST FOCUS ON TWO STEPS:



At any point in the dispute, you can say “What do you propose?” Or you can just make a proposal.



In response to a proposal, you can simply say: “Yes” “No” or “I’ll think about it.”



First Person:

MAKE A PROPOSAL

Whatever has happened before is less important than what to do now. Avoid trying to emphasize how bad the problem is. With a high conflict person, this just triggers more defensiveness. Plus, people never agree on what happened in the past anyway. Picture a solution and propose it.

FOR EXAMPLE

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if you're going to be late to pick up the kids on Fridays, then I propose we just change the pickup time to a more realistic time. Instead of 5pm, let's make it 6:30pm

//





SECOND PERSON:
YES, NO, OR I'LL THINK ABOUT IT

Second Person :

YES, NO, OR I'LL THINK ABOUT IT

All you have to do to respond to such a proposal is say: Yes, No, or I'll think about it. You always have the right to say: Yes, No, or I'll think about it. Of course, there are consequences to each choice, but you always have these three choices at least. Here's some examples of each:



YES

“Yes, I agree. Let's do that.” And then stop! No need to save face, evaluate the other person's proposal, or give the other person some negative feedback. Just let it go. After all, hostile attacks are not about you. They are about the person making the hostile attack. You are better off to ignore everything else.



NO

“No, I don’t want to change the pickup time. I’ll try to make other arrangements to get there on time. Let’s keep it as is.”
Just keep it simple. Avoid the urge to defend your decision or criticize the other person’s idea. You said no. You’re done. Let it drop.



I’LL THINK ABOUT IT

“I don’t know about your proposal, but I’ll think about it. I’ll get back to you tomorrow about your idea. Right now I have to get back to work. Thanks for making a proposal.” Once again, just stop the discussion there. Avoid the temptation to discuss it at length, or question the validity of the other person’s point of view. It is what it is.

When you say “I’ll think about it,” you are respecting the other person. It calms people down to know you are taking them seriously enough to think about what they said. This doesn’t mean you will agree. It just means you’ll think about it.



MAKE A NEW PROPOSAL



AVOID MAKING IT PERSONAL

In the heat of the conflict, it's easy to react and criticize the other person's proposals—or even to criticize the other person personally, such as saying that he or she is arrogant, ignorant, crazy or evil. It's easy and natural to want to say: “You're so stupid it makes me sick.” Or: “What are you, crazy?” “Your proposal is the worst idea I have ever heard.” But if you want to end the dispute and move on, just ask for a proposal and respond “Yes” “No” or “I'll think about it.”

The “Making A Proposal” information is from Bill Eddy and the High Conflict Institute

THEIR WEBSITE HAS A HOST OF USEFUL RESOURCES:

CLICK HERE



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THANK

YOU

THANK

You