

Mediation Process Rules for Best Outcomes

1. Arguing is Futile (BTDT – Been There Done That)

- Participants will focus on now and the future and avoid unnecessary discussions of the past.
- Participants will focus on resolving conflict and not on assessing blame.

2. Communicate Respectfully

- Participants will address others in a courteous manner and tone.
- Participants will not interrupt when another person is speaking.
- Participants will avoid sarcastic, critical, defensive, threatening or judgmental communication/comments

3. Be Effective

- Participants will assume each participant is acting in good faith.
- Participants will be patient with each other, their lawyer, and the mediator.
- Participants will listen carefully to stated goals and will take actions/make decisions and compromises in furtherance of the shared goals.
- Participants will explain *why* he/she desires a certain outcome rather than outright demanding an outcome.
- Participants will call for a break if he/she feels that progress has ceased or that he/she is about to lose control.

4. Speak only for Himself/Herself

- Participants will use “I” instead of “You” sentences.
- Participants will express their true interests.
- Participants will be honest.