Mediation is voluntary negotiation among the parties to a dispute, with the help of a neutral and impartial third party.

Parties must demonstrate:

- **Capacity (self-determination)** - the ability to advocate and negotiate on one’s own behalf
- **Authority (power)** - the legal right to make decisions
- **Intention (good faith)** - the willingness to make proposals and consider others’ proposals

Mediators are required to demonstrate:

- **Impartiality** - showing no preference for any party
- **Neutrality** - having no preconceived opinions regarding the outcome
- **Balance of Power** - ability to recognize and address power relationships that compromise the capacity of, or intimidate, any party
- **Reality Testing** - the practice of transparency regarding the model of mediation used and the norms or values being referenced: legal, socio/political, familial, and/or personal

**The Sustainable Knowledge Model of Norm-Educating Mediation**

1. Define the problem - Storytelling
   a. events & obstacles
   b. values/norms
   c. goals

2. Gather Information and Ideas - Brainstorming
   (questions & options)

3. Set Criteria - what norms are referenced?

   (proposals & solutions)

5. Agreement/Understanding
   (actions) (attitudes)

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**ATTACK THE PROBLEM, NOT EACH OTHER.**

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ELEMENTS OF NEGOTIATION

1. wisdom- meet the legitimate claims of each side to the greatest extent possible
2. fairness- address conflicting rights according to agreed upon criteria
3. interests- state your own, and consider any others’ who will be affected
4. durability- work to make an agreement that will hold up over time
5. efficiency- consider the economic and emotional cost of taking hard and fast positions
6. preservation- of future relationships (at least avoiding further damage)

CATEGORIES OF MEDIATION MODELS

Mediation scholars and practitioners have categorized and analyzed mediation models from many perspectives. While mediation has gained legitimacy as one of the Alternative Dispute Resolution processes, controversy abounds regarding how to define mediation, train and evaluate mediators, and measure success. If mediators cannot fully explain the process being offered, self-determination of the parties can not be exercised.

Norm-Generating Mediation applies to any mediation in which the parties reference primarily their own values (norms) and standards. While all mediation operates “in the shadow of the law,” Norm-Generating models focus the attention on the interpersonal issues. Self-interests, in addition to parties’ proposals on concrete issues, can include: future relationships, fairness to all parties, redefining relationships, changing patterns of communication, and greater awareness and empowerment of parties.

Norm-Educating Mediation is based on the theory that people who are well informed make better decisions. Participants gather all relevant information throughout the mediation process, as well as referencing their own values (norms). The mediator may offer information for the parties to consider. Parties are encouraged to learn skills of negotiation for use outside the mediation.

Norm-Advocating Mediation is any mediation in which legal statutes or institutional regulations dictate the parameters of the mediation agreement. Parties must be informed of these restrictions prior to the mediation.

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