

Advanced Commercial Mediation Training

Agenda

DAY 1

- 9:00 – 9:30 a.m. **Introduction and Overview**
- Introductions
 - Review of agenda
- 9:30 – 11:00 a.m. **Role Play #1**
- 11:00 – 11:10 a.m. **Break**
- 11:10 – 11:30 a.m. **Small Group Debrief of Role Play #1**
- 11:30 – 12:30 p.m. **Plenary Debrief of Role Play #1 and Discussion**
- Characteristics of a commercial mediation
 - Complex legal and factual issues
 - Lawyer dynamics
 - Extensive use of caucusing
 - Distributive dynamics
 - The use of evaluative techniques
 - Structure of a commercial mediation -- joint sessions and caucusing patterns
- 12:30 – 1:30 p.m. **Lunch**
- 1:30 – 2:00 p.m. **Pre-Mediation Processes**
- Administrative Issues
 - The agreement to mediate
 - The mediation submissions
 - Pre-mediation calls / meetings -- why & how; coaching techniques
- 2:00 – 3:30 p.m. **Role Play #2**
- 3:30 – 3:40 p.m. **Break**
- 3:40 – 4:00 p.m. **Small Group Debrief of Role Play #2**
- 4:00 – 5:00 p.m. **Debrief of Role Play #2 and Discussion**
- Review of distributive negotiation concepts
 - Techniques for dealing with distributive/money issues in mediation
 - Commencing the bargaining process
 - Managing the bargaining dance / coaching

DAY 2

- 9:00 – 9:15 a.m. **Review & Overview**
- 9:15 – 10:30 a.m. **Continued Discussion of Distributive Issues: Bringing the Bargaining Process to Closure & the Mediator’s Proposal**
- 10:30 – 10:40 a.m. **Break**
- 10:40 – 1:10 p.m. **Role Play #3**
- Preparation
 - Role Play
 - Small group debrief
- 1:10 – 2:00 p.m. **Lunch**
- 2:00 - 2:30 p.m. **Plenary Debrief of Role Play #3 & Discussion**
- 2:30 – 5:00 p.m. **Presentation & Discussion**
- Risk assessment
 - The Use of Evaluative Techniques and Decision Trees
 - The intervention continuum
 - Reality testing questions
 - Evaluation by the participants
 - How to use decision trees in mediation
 - Evaluation by the mediator
 - Recommendation by the mediator
 - Ethical issues in commercial matters

DAY 3

- 9:00 – 9:30 a.m. **Preparation for Role Play #4**
- 9:30 – 11:00 a.m. **Role Play #4**
- 11:00 – 11:10 a.m. **Break**
- 11:10 – 11:30 a.m. **Small Group Debrief of Role Play #4**
- 11:30 – 12:00 p.m. **Plenary Debrief & Dealing with Emotions in Mediation**
- 12:00 – 12:45 p.m. **Lunch**
- 12:45 – 1:15 p.m. **Preparation for Role Play #5**
- 1:15 – 3:15 p.m. **Role Play #5**

3:15 – 3:30 p.m.

Break

3:30 – 4:00 p.m.

Small Group Debrief of Role Play #5

4:00 - 5:00 p.m.

Plenary Debrief & Closure

- Helping parties develop options
- Wrap-up & closure