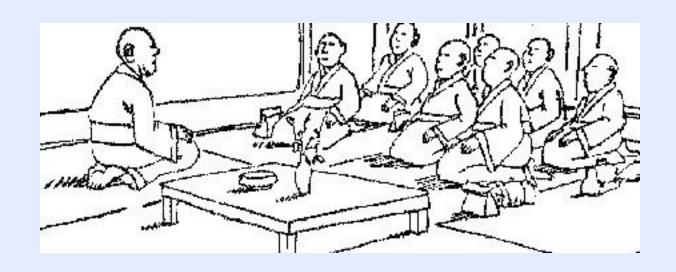# Maximizing Mediation: An Experienced Mediator's Favorite Techniques

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What Mean By "Maximization"

➢ assisting participants to be at their **individual best**

➢ assisting participants to most capably **work together**

➢ assisting participants to obtain the **greatest possible satisfaction** of their interests.

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More Broadly

➢ Mediation as best opportunity for maximized problem solving. Compare: Adjudication, Unassisted Negotiation & Mediation

➢ Moving Beyond Barely Sufficient Processes and Barely Sufficient Agreements to Most Capable Processes and Most Capable Agreements

➢ Maximization has both Micro and Macro Levels

Justification for Maximizing Mediation

Theoretic Options Regarding Power Disparity, "Competence" and Mediator Response:

➢ Operate under the illusion that the mediator does not influence participant power

➢ Attempt to balance participant power

➢ Seek to "comparably" empower (or disempower) participants

➢ Embrace empowerment and carry it to the fullest extent of "maximization"

Three Basic Ways Mediators Work to Create Agreement

➢ The Interest-Based Option Generation Approach (problem-solving)

➢ The Hypothesis Generation & Testing Approach (guessing) and

➢ The Doubt and Dissonance Approach (heat)

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Favorite Techniques I

➢ Meet people "where they are"

➢ Provide "the experience of being heard"

➢ Recognize qualities of mediation as empowering

➢ Use a great location

➢ Manage behavioral expectations
  with ground rules & "the relevancy check"

➢ Rapport, rapport, rapport (MPL)

Favorite Techniques II

➤ Distinguish past from future - "get current"

➤ Recognize interdependence

➤ Identify "easy points of agreement"

➤ De-position to interests & positive intentions
  with the word "Imagine"

➤ Normalization & mutualization

➤ Normative stories about similar situated others

Favorite Techniques III

➢ Use problem-solving questions: "How can we best ..?" & "What is the best way for us to ..?"

➢ Use of resource states & metaphoric data bases

➢ Use of "conceptual anchors"

➢ "New perspectives" e.g. "Zen Fly"

➢ Homework – package deals & exchanges

➢ The "reference point process"

➢ The "integrative question"