

Neighborhood Mediation Center (NMC) and Nevada Dispute Resolution  
Coalition Collaborative Discussion Group  
**“Mediator Challenges”**

Tuesday, May 13, 2014

Associated General Contractors Facility

*Brainstorming Notes: “Tips, Strategies, Techniques”*



The following brainstorming comments (slightly edited) were generated by participants at the May 13<sup>th</sup> Café session.

**GUARDIANSHIP**

Brainstorming suggestions prioritized for reporting to the entire group

- Ask: What would your life be like if you resolved this \_\_\_\_\_?
- Explore a future focus (plan)
- Hold mediation sessions at a meaningful location and in a less structured format, if necessary
- Reality-test. Ask, “Describe what a day in the life of \_\_\_ might look like?”)
- Focus on each person’s needs and remind them of the agreed-upon ground rules

### Other brainstorming ideas

- Change the venue/timing
- Caucus with parties separately (Café' approach)
- Take breaks
- Explore roles and shared responsibilities
- Reverse roles of parties involved in the guardianship
- Empower the "quiet" person (ask questions, draw her/him into the conversation, empathize)
- Use active and reflective listening having participants share family experiences by creating a narrative
- Brainstorm and create options, looking for common ground
- Use open-ended questions
- Explore future relationships for a shared vision
- Explore individual and family dynamics (challenges and opportunities)
- Define purpose of guardianship and individual intentions

### **I AM RIGHT, YOU ARE WRONG!**

### Brainstorming suggestions prioritized for reporting to the entire group

- Silence
- Ask: How important (in terms of personal cost) is it to be right?
- Stand in the other person's shoes (showing support and recognition)
- Openness (validation of both perspectives)
- Restating and reframing

### Other brainstorming ideas

- Ask: what, how, why, why not?
- Explore perspectives, facts
- Listening (reflective)
- Make it a decision of opportunity
- Summarize points of view
- Ask: Who else is affected by conflict?
- Discuss potential impacts

- Ask: What does it cost to be right?
- Ask-If you're right, where does the story go from there?
- Exploring common ground
- Brainstorm options for mutual gain
- Validating points of view
- Use positive language only (no "wrongs")
- Allow for responses from all parties
- Explore: Where are the parties the same (similar) with regards to needs/interests?
- Prioritize issues/needs/interests
- Role play: Encourage participants to tell the story based on other person's perspective

## **MONEY**

### Brainstorming suggestions prioritized for reporting to the entire group

- Ask--How money gets spent? (explore wants vs. needs)
- Allow for disclosure (finding the underlying issues)
- Explore equity/fairness (quality and quantity issues)
- Explore alternatives to money (list options; broaden the interests)
- Explore power interests (for example, what does money represent for you?)

### Other brainstorming ideas:

- Explore a party's interest in money, perceived conflict, security, resources, uncertainties, resource scarcity, personal values, opportunities to broadening the conversation, consequences, emotions, fears, level of respect, needs/wants, options
- Ask: What's not getting done?
- Ask: What's being sacrificed?
- Explore the existence of third parties affected
- Experiment with tools to attain goals
- Remember that the outcome could go more than one way--trust blindly or don't trust at all
- Validate different points of view
- Prioritize goals

- Make visual key conversational points
- Identify how far apart people are (gap) on money and other issues
- Determine accountability
- Explore this attitude--“this is mine”
- Adjust expectations throughout the process
- Make the “pie” bigger (opportunities for a win/win)

## **JOB LOSS**

### Brainstorming suggestions prioritized for reporting to the entire group

- Let the conversation happen (allow for compassion and validation)
- Allow for an explanation (autopsy)—the why’s and how’s
- Create a climate for self-esteem (apology, empathy)
- Assess assets, skills, needs, goals, resources, networking
- Be future-focused (“now or never”), creating new opportunities (such as short/long-term training?)

### Other brainstorming ideas

- Create a support system for networking/local resources
- Ask: When were things working? What was your best year?
- Explore fear, expectations, family-relationship impact, needs, specific fears/worries (bills, reputation, what friends might think), self-image, training opportunities, personal assets, skills, short/long-term goals, career plan
- Identify positives opportunities ( explore benefits)
- Validate emotions
- Reframe, brainstorm, and use open-ended questions

### Summary of Tips Brainstormed at the Session Closing

- Reframe, reframe, reframe
- Use active and reflective listening techniques
- Use silence as a conversation tool
- Explore opportunities for common group
- Reframe “ground rules to “conservation principles”

- Validate, insure that participants feel heard
- Encourage imagination through brainstorming
- Empower parties
- Encourage narrative storytelling
- Use the peace feather or a talking stick (allowing participants to speak without interruption)
- Generate energy among participants
- Use open-ended questions
- Utilize a flexible agenda
- Create a future-focus based on shared interests