

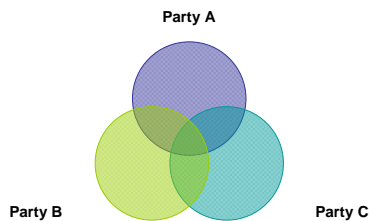
Mediating Multi-Party Disputes and Differences

Saturday 12 April
Good Morning!

Why are we here?

- Achieve understanding – at worst
- Get key points across – influence others?
- Understand how others see things: their needs/drivers
- Acknowledge risks
- Accept that not only about the law
- Take the best opportunity to be realistic
- Manage / control the outcome
- Reduce uncertainty
- Limit cost
- Save time
- Preserve reputations
- Resolve a common problem

Finding the common ground



What works?

- Constructive engagement
- Openness
- Realism
- Respect
- Focus on interests – and the future
- Management of time
- Gain Gain
- Concessions
- Courage

What does not work?

- Grandstanding
- Unrealistic positions
- Bullying
- Non-disclosure
- Lack of candour
- Not facing risks
- Wasting time
- Posturing
- Baggage

Dynamics

- [many] people
- Management of teams: keep occupied; time passes
- Team leaders: meet up to discuss and manage process
- Use of time: work together; final agreement
- Cut out peripherals
- Work with mediators: our role
- Keep eye on big picture

Useful assumptions



- Everyone is trying their best
- People make the best choices available to them at the time
- The person with the greatest flexibility of thinking and behaviour is likely to have the greatest influence
- The meaning of any communication is the response it gets
- There is always a solution – you just have to find it

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Multi-party mediations - reflections



- Preparation meetings: agendas, issues, concerns, design process, gather info
- Building of rapport in advance
- Preparation questionnaires / sheets: risk, costs, presentation
- Private meetings at outset – get temperature
- Presentations – condensed – order – identify key issues
- Engage key players and identify "alliances" / bridges
- Identify tensions within teams – and leaders / "stabilisers"
- Concurrent meetings: different participants

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Multi-party mediations - reflections



- Recognition of different roles at different times
- Shorter meetings?
- Keep in touch – be attentive, consider the backroom players
- Whole group meetings – taking stock
- Remember the simple things – eg BATNAS, flips, risk, open questions, assumptions, big picture, acknowledging progress
- Work on final agreement

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Multi-party mediations – some more!



- Breaks
- Exercise
- Food – coffee!
- Venue – manage and change settings
- Eating together
- Language
- Humour
- Co-mediators
- Use all experiences ("good", "bad", past, present)
- Go with the flow / culture
- Pause, patience, perseverance
- Further follow up work

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Carpe Diem!



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