

Mock Mediation Session 2:

Opening Statements



What is a Mediation?

Definition: A facilitated negotiation led by mediators to resolve disputes collaboratively.

Key Roles:

- **Mediators** Neutral facilitators guiding parties through the mediation process.
- **Advocates** Legal representatives summarizing key issues.
- **Clients**: Party to the dispute who is represented by the advocate.

Steps in a Mock Mediation

1. **Opening Statements** starts the mediation process, allowing each party to share their views and set the stage for discussion
1. **Caucus**- private meetings between the mediator and each party where they discuss sensitive issues and explore possible solutions
1. **Conference**- parties discuss proposals and solutions to reach a mutually acceptable agreement or decide to end mediation

Opening Statements Mediator

- The two mediators are each from different teams.
- They are judged on how well they cooperate with each other.
- Mediators meet for a few minutes before the mediation to establish how they will organize their opening statements.



Opening Statements Mediator

- Introduce the process and goals of mediation.
- Explain each party's role and the rules of engagement.
- Address confidentiality and expectations for cooperation.



Opening Statement Example Mediator

“Welcome, everyone, and thank you for being here today. Our goal in this mediation is to help both parties reach a mutually acceptable agreement. This is a voluntary and confidential process, and as your mediators, we will guide the discussion to ensure that each side has the opportunity to share their perspectives openly and respectfully.

To start, we want to clarify everyone’s role. The advocates will summarize the key issues at hand, highlighting areas of agreement and disagreement. The clients are welcome to provide factual information and emotional context but will leave the legal arguments to their advocates. We ask that all participants remain respectful and allow each person to speak without interruption.

Finally, we’d like to emphasize the importance of confidentiality in this process. Everything shared in this room stays here and cannot be used outside of this mediation. We hope both sides will engage in good faith, listening to each other and working collaboratively, even when the conversation becomes difficult. Let’s move forward with this spirit of cooperation.”

Opening Statements Advocate

- Provide a structured summary of the case.
- Explain what the dispute is about and what the key issues are.
- Present areas of agreement Where do the parties align?
- Present areas of disagreement Where do parties diverge?



Opening Statement Example Advocate

"Thank you, mediators, and thank you all for being here today. My client, Mr. Roberts, is seeking resolution regarding an incident involving his parked vehicle, which was damaged by Mr. Smith's car on August 15th.

The issue centers around whether Mr. Smith is responsible for the damage and, if so, what the appropriate compensation should be. Both parties agree that the vehicle was damaged and that it occurred near their homes, but they disagree on who caused the damage and to what extent Mr. Smith should be liable. My client believes that Mr. Smith backed into his car, while Mr. Smith has suggested the damage may have been ~~existing~~ or caused by another factor.

We hope today's mediation will clarify these misunderstandings and lead to an agreeable solution, where both parties feel their concerns have been addressed."

Opening Statement Client



- Present factual and emotional perspectives.
- Give personal story and state how the conflict affects them.
- Avoid legal arguments; that's for the advocate.

Opening Statement Example Client

"First, I want to thank the mediators and Mr. Smith for agreeing to meet today. This situation has been very stressful for me. My car is essential for my job, and when I found it damaged, it was frustrating and upsetting. I remember that day clearly because I had parked in my usual spot, and everything seemed fine. Later, I noticed the dent and scratches, which made me concerned that something had happened while I was away.

I don't want this to ruin our relationship as neighbors, but I do feel that Mr. Smith is responsible for the damage, and I just want to make sure this is fairly resolved so I can repair my car and move on."

Tips for Opening Statements

- Prepare in advance and ensure statement is clear and concise.
- Maintain a calm, professional demeanor, and refrain from showing frustration or anger.
- Use simple, straightforward language to make points easy to understand.
- Focus on encouraging cooperation and finding solutions rather than assigning blame.
- Remain flexible and adaptable, ready to adjust as the mediation progresses.

Questions?

Evaluation Survey:

