

Mock Mediation Session 4:

Caucus



What is a Caucus?

Definition: A caucus is a private meeting between the mediators and one advocate/client team.

Purpose: To allow for confidential discussions, clarify individual concerns, and explore possible options or solutions in a more focused and private setting.



Caucus vs. Conference

| | CONFERENCE | CAUCUS |
|----------------------|--------------------------------------|---|
| PARTICIPATION | Involves all parties | Involves only one party and the mediator |
| FOCUS | Aims to foster dialogue | Provides a space for private discussion |
| USE | Used for collective problem -solving | Strategic for negotiation and addressing sensitive topics |

Caucus Discussion Topics

- Strengths and weaknesses of the case
- Needs and wants of the parties
- Confidential fact disclosures
- Settlement offers, demands, or ranges
- Deciding what information will remain confidential or be disclosed



Role of Mediator in a Caucus

- Encourage open and honest dialogue to uncover true interests and concerns
- Maintain impartiality and fairness, ensuring no bias towards either party
- Assure the party that all disclosed information remains confidential.

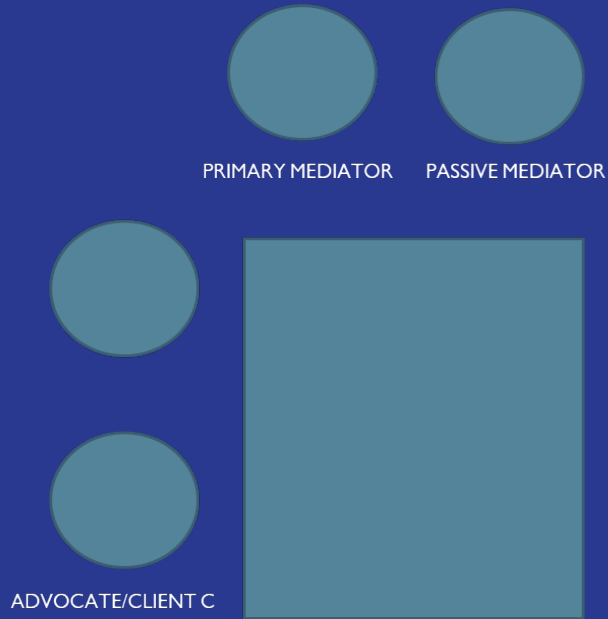


Format of a Caucus

- Co-mediators and each of the parties are to conduct at least one meaningful caucus (5 minutes minimum)
- The co-mediators decide when caucuses will take place.
- There may be one or multiple caucuses as needed.
- The other team must leave the room and refrain from communication.

CAUCUS

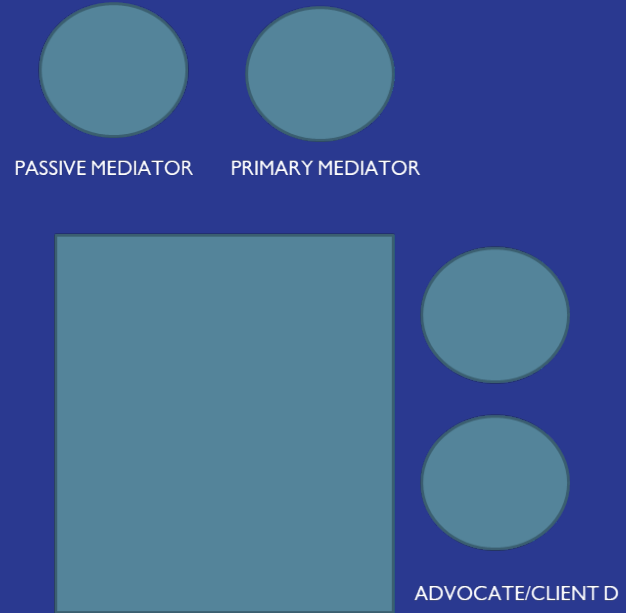
First Caucus with Advocate Client 1



Both co-mediators are present during the caucus, but Mediator A leads the discussion with one advocate/client team while Mediator B remains mostly passive, only offering brief comments or clarifications at the end.

First Caucus with Advocate Client 2

Both co-mediators are present during the caucus, but Mediator B leads the discussion with the second advocate/client team, while Mediator A remains mostly passive, only providing brief comments or clarifications at the end.



Questions?

Evaluation Survey: