

# Mediation Training Program

# Welcome!

# Day 4



# Welcome / Introduction of Trainers

- Timothy M. Linnehan, Esq.
  - ADR Coordinator for the Trial Court
  - Executive Office of the Trial Court
- Josh Hoch
- Nnena Odum
- Diana Chiang Cooke



# Zoom Basics

- Problems? Text Josh at 857-719-6642
- Training Manual, Agenda, and Slides
  - [www.mwi.org/tc-mediation-training](http://www.mwi.org/tc-mediation-training)



Training Material



# Group Norms

- Try new things
- Participate
- Support each other
- Don't be shy, find your voice
- Help us manage time
- Create a safe environment
- Confidentiality
- Be open-minded
- Be open to learning new things



# Housekeeping

- Start at 9:00 AM, and end by 3:30 PM
- Stay hydrated and comfortable
- Break at 10:45 AM
- Lunch at 12:30 PM
- BIN



# Day 4: Mediation Training

- Introductions
- Reaching Closure:
  - Goals and skills of the final joint session
- Mediation Demonstration and Discussion (video)
- Role Play 5
- Role Play 6
- BIN / Q&A



# Participant Introductions

- What was your first job?  
or
- What was/is your dream job?



# Implicit Association Test

Check-In:

- Did anyone try the IAT?
- What was your experience?



# Final Joint Session: Reaching Closure

## Goals

- Encourage direct negotiation between parties
- Support joint problem-solving
- Assist in trouble-shooting any managing remaining differences
- Confirm commitments
- Define agreement or may need to end mediation without an agreement
- Confirm next steps

## How

- Set the Stage
- Focus on shared and individual interests
- Encourage collaboration
- Problem-solve remaining differences



# Final Joint Session: Reaching Closure

## Practice Tips:

- Let the parties talk
- Intervene to stay on track
- Focus on progress
- Discuss the future



mason darrow – non-profit lawyer

john klossner



CARTOON

# Mediation Demo - Video

- Did the mediator show that s/he was listening and trying to understand each parties' position?
- Were the phrases and questions used by the mediator neutral and non-judgmental.
- Write down questions that you thought the mediator posed that were helpful.
- Did the mediator encourage the parties to think about different options?
- In your opinion, what worked well?
- Other Comments

<https://www.mwi.org/wp-content/uploads/2023/06/Questions-for-Observers.pdf>



# Role Play 5

Parties: Founder and sole owner of Krazy Kool Database Designs and Bakery Owner, Ballin' Brownies

An attorney recommended mediation, and both parties agreed to mediate.

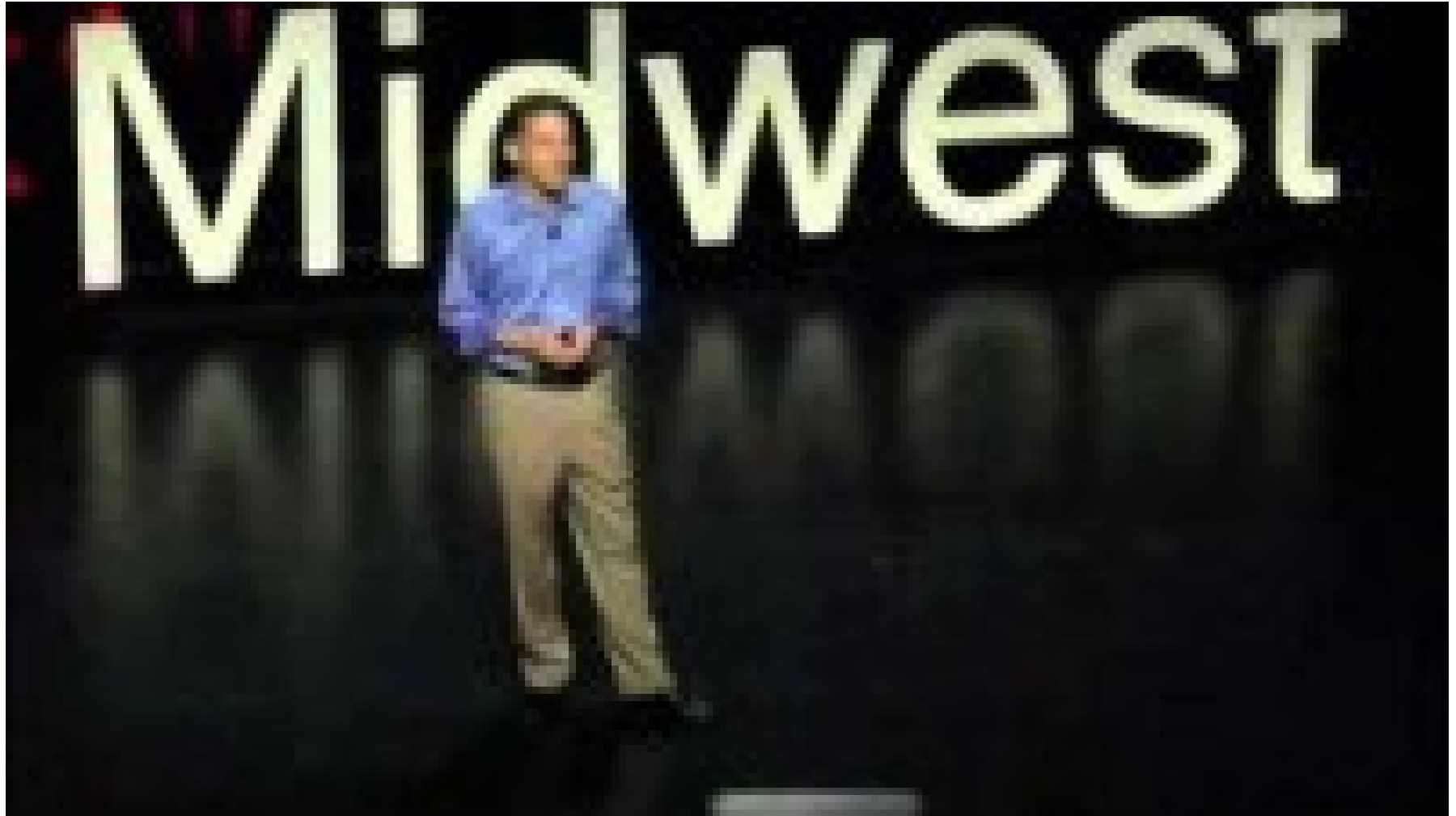


# Role Play 6

- Parties: Married couple, Greg and Leslie
- Two children, ages 4 and 6
- Greg recently told Leslie he wanted a divorce and was looking for an apartment
- Leslie works a few nursing shifts weekly and makes \$34,000 yearly
- Greg works 40 hours per week as a nurse practitioner and makes \$79,000 annually



# Negotiation – 17 Camels



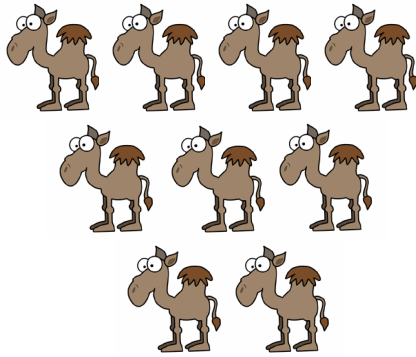
$$17 \not\div 2$$

$$17 \not\div 3$$

$$17 \not\div 9$$

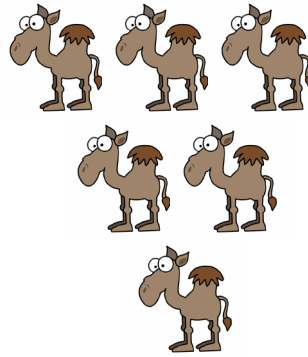
$$18 \div 2$$

The first son took his half --



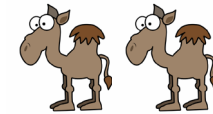
$$18 \div 3$$

The second son took his third --



$$18 \div 9$$

The youngest son took his ninth --



$$= 17 \text{ Camels}$$

They had one camel left over. They gave it back to the wise old woman.



THINKING,  
FAST AND SLOW



DANIEL

KAHNEMAN

WINNER OF THE NOBEL PRIZE IN ECONOMICS

READ BY PATRICK EGAN • AN UNABRIDGED PRODUCTION



FAST AND SLOW

# Thinking Fast and Slow

- Psychologist **Daniel Kahneman** explains how two systems of the human mind constantly fight over control of our behavior and actions.
- **System 1** is fast, intuitive, and emotional, while **System 2** is slow, rational, and logical.
- The book shows how these 2 systems leads to errors in memory, judgment and decisions, and what we can do about it.



# BIN List / Q/A

