

Mediation Process

Mediator's Role

When conflicts escalate to a point where we can no longer talk reasonably with the other side, we often end up in court. Here the judge decides and we have to submit to their decision. A mediator is neither a judge nor an arbitrator. They do not propose solutions, they help you talk to the other side again, to understand the different aspects of the conflict and to find a basis to develop your own solution together.

Time Frame

The time required varies. Three to five sessions of 90 minutes each can be regarded as usual. (For larger groups, sessions of 120 min. may be necessary).

Usual Stages

- Pre-mediation:

In complex conflicts, e.g. in large companies, pre-mediation may be necessary before the first mediation session. In this case, a case developer - in dialogue with those responsible - defines the framework, identifies and informs the participants and clarifies formal and organisational aspects. I am also available to you as a case developer.

In any case, we conclude an agreement between the conflict partners and the mediator in advance or during the first session and stipulate the distribution of costs.

- Introduction

We start by familiarising ourselves with the procedure and agreeing on rules for cooperation – if we are dealing with contractual issues, now is the time for a written mediation agreement at the latest.

- Presenting your conflict:

The conflict partners give their views. Controversial issues are collected and arranged in topical clusters. Together, we decide an order of dealing with the issues.

- Understanding your conflict:

For each issue, the participants' worries and the conflicting aspects are discussed. You decide which topics, opinions and feelings you want to bring in. I guide you methodically until all relevant aspects have been clarified and understood. Facts are clarified and experts are consulted, if necessary.

- Solving your conflict:

The participants' interests are now compiled and a variety of ideas for a solution are collected. The ideas are sorted, checked for feasibility and finally compiled into a written overall solution and agreement (e.g. on a flipchart). This framework agreement will be translated into a contract by your lawyers if necessary.

- Follow-up:

It is best to meet again after an agreed period of time and discuss how the solution is working and what further arrangements may be needed.