

40-HOUR BASIC MEDIATION TRAINING AGENDA

The Mediation Network of North America and Virtual Mediation

AGENDA NOTES

Daily sessions begin at 7:45 and end at 5:15, with a one-hour lunch break and two 15-minute breaks. In most states and jurisdictions, breaks do not count toward the 40 required training hours, either for basic mediation training or for CLEs. The daily session schedule provides a full 40 hours of training, not including breaks.

Each five-day session is organized to provide both content instruction and interactive, role-play mediation simulations to practice and implement the session's educational material.

Mediation simulations, including preparation, simulation, and debrief, comprise 15 hours of the 40-hour curriculum. Content instruction comprises the remaining 25 hours, including foundational mediation knowledge and skills; guest expert presentations on ethics, methods, and best practices in

DAY 1: MEDIATION THEORY AND APPROACH

- 7:45 – 9:45 Welcome and introduction to mediation; course overview. Exploration of dispute resolution strategies, methods, and approaches that build on participants' professional skills, training, and education
- 9:45 – 10:00 Break**
- 10:00 – 10:45 The Dispute Resolution Spectrum and six foundations of mediation. Discussion of methods and approaches to mediation and dispute resolution
- 10:45 – 11:30 Confidentiality and the Uniform Mediation Act
- 11:30 – 12:00 Review and preparation for afternoon simulation
- 12:00 – 1:00 Lunch on your own**
- 1:00 – 2:00 Expert Mediator Presentation: Best practices and mediation strategies for new mediators
- 2:00 – 4:00 Afternoon simulation
- 4:00 – 4:15 Break**
- 4:15 – 4:45 Simulation debrief and discussion
- 4:45 – 5:15 Synopsis and review of daily content. Discussion wrap-up: limitations of mediation and preview of mediator style inventory

DAY 2: STRUCTURING THE MEDIATION AND UNDERSTANDING YOUR MEDIATION STYLE

- 7:45 – 8:15 Review and synopsis of prior day's activities. Discussion of key takeaways from mediation theory, methods, and expert practice pointers
- 8:15 – 9:45 Structuring the mediation session and developing the agenda. Planning for various parties and participants. Multiple party negotiations. Evaluating context and setting; power differentials. Identifying interests, needs, and leverage
- 9:45 – 10:00 Break**

mediation; and discussion of training materials and assigned reading.

Contact Us:

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10:00 – 11:30	Mediator skills, traits, and other characteristics. Mediator style inventory and discussion of different approaches, goal setting, and dealing with different negotiation styles and personalities in mediation
11:30 – 12:00	Review and preparation for afternoon simulation
12:00 – 1:00	Lunch on your own
1:00 – 2:00	Expert Mediator Presentation: The effect of power differentials on the mediation process and how to effectively deal with power dynamics
2:00 – 4:00	Afternoon simulation
4:00 – 4:15	Break
4:15 – 4:45	Simulation debrief and discussion
4:45 – 5:15	Synopsis and review of daily content. Discussion wrap-up: planning for success at the early stages of mediation and preview of opening statements

DAY 3: ENGAGING THE PARTIES AND ANTICIPATING ETHICAL DILEMMAS

7:45 – 8:15	Review and synopsis of prior day’s activities. Discussion of planning for and structuring a mediation, including mediation style and approach
8:15 – 9:45	Holding caucus sessions and gathering preliminary information. Fine-tuning communication, listening, and analytical skills to evaluate interests and distinguish intent from outcomes
9:45 – 10:00	Break
10:00 – 11:30	Ethical dilemmas. Ensuring impartiality and non-representation while avoiding undue influence and boundary violations; Beginning the mediation conference and preparing an opening statement
11:30 – 12:00	Review and preparation for afternoon simulation
12:00 – 1:00	Lunch on your own
1:00 – 2:00	Expert Mediator Presentation: Lessons learned in ethics and mediation
2:00 – 4:00	Afternoon simulation
4:00 – 4:15	Break
4:15 – 4:45	Simulation debrief and discussion
4:45 – 5:15	Synopsis and review of daily content. Discussion wrap-up: Early stages of mediation, opening statements, ethical considerations, and preview of negotiation strategies

DAY 4: GENERATING MOVEMENT AND UNDERSTANDING DIVERSITY IN MEDIATION

7:45 – 8:15	Review and synopsis of prior day’s activities. Discussion of information gathering skills and addressing ethical issues in mediation
8:15 – 9:45	Strategies for generating movement in the mediation. BATNA, ZOPA, and moving through impasse. Framing and loss aversion, reactive devaluation, and reciprocity. Problem-solving techniques and providing effective feedback.

9:45 – 10:00	Break
10:00 – 11:30	Diversity in mediation. Addressing bias and assumptions, cultural norms and expectations, and different forms of diversity.
11:30 – 12:00	Review and preparation for afternoon simulation
12:00 – 1:00	Lunch on your own
1:00 – 2:00	Expert Mediator Presentation: How expert negotiation techniques can make you a better mediator
2:00 – 4:00	Afternoon simulation
4:00 – 4:15	Break
4:15 – 4:45	Simulation debrief and discussion
4:45 – 5:15	Synopsis and review of daily content. Discussion wrap-up: Facilitating an effective mediation and problem-solving to generate movement. Diversity in mediation and preview of agreement drafting

DAY 5: CONCLUDING MEDIATION AND LEGAL CONSIDERATIONS

7:45 – 8:15	Review and synopsis of prior day's activities. Discussion of diversity and mediator strategies to break through impasse and generate movement
8:15 – 9:45	Law and policy issues in mediation. Considering mediator responsibility for the quality of an agreement and the relationship between law and mediation. Other legal considerations
9:45 – 10:00	Break
10:00 – 11:30	Concluding the mediation and drafting an agreement. Drafting principles and the range of possible mediation outcomes
11:30 – 12:00	Review and preparation for afternoon simulation
12:00 – 1:00	Lunch on your own
1:00 – 2:00	Expert Mediator Presentation: A lawyer's view of mediation and the law
2:00 – 4:00	Afternoon simulation
4:00 – 4:15	Break
4:15 – 4:45	Simulation debrief and discussion
4:45 – 5:15	Synopsis and review of daily content. Discussion wrap-up: Concluding a successful mediation and drafting a final agreement. Final observations about mediation practice and practitioner advice

