

Team Mediations

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Team Mediations

Working as a team in mediations can be as beneficial for mediators as it is for clients. In my divorce mediation practice, I often work with a male marriage and family therapist, and we believe it makes clients feel more comfortable because both the legal and emotional aspects of the divorce can be addressed, as well as the different perspectives between men and women.

For us, it makes a rewarding process all the more fascinating as we debrief after the mediations and develop our strategies for helping our clients through the process.

Co-mediation also helps develop new mediators, and you can give each other helpful feedback on what you observed in the session, both in terms of what happened between the couple, but also how the parties reacted to each of the mediator's methods for helping them reach agreement.

There are many other benefits to co-mediation:

- The entire responsibility for the success of the session doesn't rest on one mediator
- The co-mediators can help each other identify their own biases
- There's a greater opportunity for feedback
- When the lead mediator is stumped, often the co-mediator can think of a good follow-up question or different method for helping the couple move off impasse or neutralize conflict
- If need be, you can assume the roles of "good cop" and "bad cop"
- You can emphasize each of your strengths, and learn from each other. For example, the therapist might be the lead mediator during the parenting discussions, and the lawyer might be the lead on the financial discussions. Not only does the couple benefit, but the mediators learn from each other.

There are some ground rules for the mediators in a co-mediation setting which we've found helpful:

Decide in advance who will take care of any mediation paperwork, intakes and scheduling before the mediation. It's important that the clients feel that you're on the same team, and that you communicate with each other. It's embarrassing and unprofessional if one phones only to find out the client has already scheduled the appointment with the other mediator. If these tasks are done by administrative staff, so much the better.

Coordinate calendars by either maintaining an online calendar which you share, schedule meetings via software programs such as Outlook, fax a calendar back and forth as you schedule appointments, or keep a dedicated paper calendar in a central office. If you maintain a "master calendar", you don't need to phone each other each time a new client calls to book an appointment.

Decide in advance who will cover the introduction, initial questions about the session, ground rules and any remaining paperwork once you get in the mediation room with the clients. Divide the tasks any way you choose, but have a plan beforehand so you don't inadvertently interrupt each other.

If you've never mediated together before, meet in advance to discuss your individual styles and favorite techniques. Determine your relative preferences on transformative, directive, and facilitative mediation models. Make ground rules for yourselves as to how you will conduct the session. Will you use individual caucuses? Do you ask for opening statements? Will you use an easel to write down the issues, and who will do the writing? How will you handle those moments when you both want to talk at once? How will you signal to each other that you need to caucus as mediators? How much information you'll share with the clients if asked: will the lawyer answer direct legal questions? Will you use the Dissomaster in session? Will the therapist make therapy referrals, or refer to diagnoses? How will you deal with your different philosophies about methodology and your own biases and values? How will you alert each other if you feel the other mediator is causing problems or pursuing a path you feel is strongly negative? How will you signal when you don't want the other mediator to interrupt a particular flow of questions?

The answers to these questions are less important than the fact you've talked about them and agreed how you'll handle these situations. Legitimate disagreement between the two mediators handled well can be a great model for clients. By modeling positive communication and problem-solving skills in your own dialogue, you can educate the parties how to communicate better both during the mediation, and after their case is completed.



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If you've never mediated together before, decide in advance who will be the "lead mediator." Modeling good behavior is important, and you don't want to get into a power struggle in front of the clients. With one of you chosen as the lead mediator, you've also agreed that the other mediator will follow that lead. This can be a painful process for second mediators who are used to being leaders, but it's a necessary process. If the second mediator has an issue with the direction, techniques, or tone used in the mediation, either wait for the end of the session, a break, or call a mediators' caucus to discuss it. Don't criticize each other in session, and if you caucus, don't take too much time away for the session. The second mediator can be the lead next time around.

The second mediator's job is as important, if not as "glamorous" as the lead mediator's job. While the lead mediator is busy talking and worrying about what to do next, the second mediator can observe the parties' body language, interject when the process seems to be breaking down, be thinking of alternative methods of conflict resolution in case the lead mediator wishes to change direction, and give the lead mediator feedback after the session.

As you get more comfortable working together as mediators, think about ways you can consciously model good behavior. This is especially helpful for divorce mediations with a male and female mediator because the clients can watch a man and a woman working together constructively. Demonstrate active listening techniques, and acknowledge good ideas between each other. There may be moments when you disagree with each other, and how you handle those situations can be a great demonstration to clients of affirmative ways of communicating about disagreements and working toward a mutually agreeable solution.