



HOW TO PREPARE FOR MEDIATION

Preparation can help you organise your thoughts before your joint mediation session(s). It can help you plan what you want to say and how you want to say it. Some useful things to think about, and questions to ask yourself might be:

What is the dispute about for you?

- What are the key things that have happened that you want to talk about?
- How would you briefly describe these things?
- What was important, upsetting etc. about these things?
- Are there any things you are not willing to discuss?

How will you describe these things?

Think about and maybe make some notes for yourself, to help you clearly explain what you want to say. This preparation can also help you avoid language that may inflame the situation, or mean that the other party(s) finds it hard to listen to your point of view. Use the reverse of this sheet to make notes.

What result are you looking for?

If things go well in the mediation process what would you like to see happen? Consider the outcomes that you want and ask yourself how you would explain the outcome you are looking for. Be prepared to have a range of acceptable outcomes. Ask yourself 'what else would work?' There is rarely only one option, so consider what you really need and what you could live with. Importantly, ask yourself what is your bottom line. What are you not prepared to negotiate on?

What alternatives are available to you?

It is worth being well informed to better understand your own position. If you aren't able to sort things out at mediation, what does that mean to you?

If you do not make an agreement and instead go to court or arbitration, what do you think will be the best result you can achieve, and the worse result that could happen?

What do you think the other party(s) sees as important?

It's useful to do some thinking about what you might hear from the other person. What might be their key concerns, and what outcome do you think they would be seeking? It can be useful to "put yourself in their shoes", to consider their position, the best result you can achieve, and the worse result that could happen.

