How to make good use of the mediator in a student mediation competition?

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Written by Dima Alexandrova

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I was delighted to be approached to collaborate on this post by Dima Alexandrova, mediator and attorney-at-law, teacher of Alternative Dispute Resolution at Sofia University. She has experience in the ICC, and after many years of experience as a mediator at the ICC and at Sofia University, she has some interesting takes to assist students in such competitions to make best use of the mediator.

Over to you Dima.

Making good use of the mediator could be a real challenge in a competitive setting where both parties are usually pretty well prepared to negotiate. Based on our practice in the different student competitions we and many of the ICC Commercial Mediation Competition coaches, judges and mediators we could present the following best practices in our opinion. In the present article we would like to follow the natural flow of the session's structure and provide ten tips how to make good use of the mediator:

1. The contribution of the mediator is pretty salient when setting an agenda and knowing the issues is a good ground for the future discussion. And the mediator will be needed in most cases.
2. Instead, the parties can ask the mediator to provide a neutral summary of the stories of both parties which serves as a good ground for the future discussion. And this leads to the next point – the opening.
3. The contribution of the mediator is pretty salient when setting an agenda and knowing the issues is a good ground for the future discussion. And the mediator will be needed in most cases.
4. For this reason, we will start with the opening where parties can use the mediator by explaining their situation in a neutral, interest-based and attentive to their story. In case the parties naturally come down when explaining a third person, in summary, the parties provide context to the mediator and position themselves in the dispute. The students can always use the wording “for your benefit - Mr/Ms Mediator" and add their story.
5. Instead, the parties can ask the mediator to provide a neutral summary of the stories of both parties which serves as a good ground for the future discussion. And this leads to the next point – the opening.
6. The contribution of the mediator is pretty salient when setting an agenda and knowing the issues is a good ground for the future discussion. And the mediator will be needed in most cases.
7. Furthermore, the mediator can immensely help in visualising the dispute when asked to do so on a whiteboard. The mediator has different approaches to the latter, though in any case it will be helpful to visualise the dispute in such a way to let the parties understand it. If asked to do so, the mediator can visualise the dispute in such a way to let the parties understand it. If asked to do so, the mediator can visualise the dispute in such a way to let the parties understand it. If asked to do so, the mediator can visualise the dispute in such a way to let the parties understand it.
8. Finally, the parties can ask the mediator to provide three or four options for the settlement which the parties are in the session and check whether they are on the same page, which is better than having a summary of a lawyer of a party which tends to be subjective and orientated to the interests of that party.
9. In case of a deadlock situation, the parties can ask the mediator for a piece of advice as to how to proceed in the session whenever they need that advice. This can be done in a joint session or in a caucus setting.
10. The mediator can help by reframing and rephrasing the parties' thoughts in the main session or in the caucus so the message is conveyed in an appropriate manner and the goal of the party is achieved.

Please refer to the post on mediation-competition/ for further details.

To sum up, there are many ways to make good use of the mediator and we would highly recommend to use them. Please, do not consider the above only as a guideline, it simply aims to illustrate how to use the mediator in such practice. How to disclose confidential information to the other side.

One of the most powerful ways in which some students purport to make use of the mediator is to do no more than to ask the mediator to write on the whiteboard. Mediators have different approaches to the latter, though in any case it will be helpful to visualise the dispute in such a way to let the parties understand it. If asked to do so, the mediator can visualise the dispute in such a way to let the parties understand it. If asked to do so, the mediator can visualise the dispute in such a way to let the parties understand it. If asked to do so, the mediator can visualise the dispute in such a way to let the parties understand it.

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The mediator can help by reframing and rephrasing the parties' thoughts in the main session or in the caucus so the message is conveyed in an appropriate manner and the goal of the party is achieved.

A powerful tool to use the mediator is when parties are naturally moving forward in the session and goals of the parties need or share information for which they have signed an NDA. In this way they can have the mediator help in structuring the session in a way in which this piece of information is taken into account.

Another way to make good use of the mediator is to ask for a neutral summary of the stories of both parties which serves as a good ground for the future discussion. And this leads to the next point – the opening.

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