

MULTIPLE HATS FOR COLLABORATIVE PROFESSIONALS AND MEDIATORS

Working with Interdisciplinary Neutrals and Co-Mediators

IACP 20th Annual
Networking and Educational Forum
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Welcome, and thank you for joining us!



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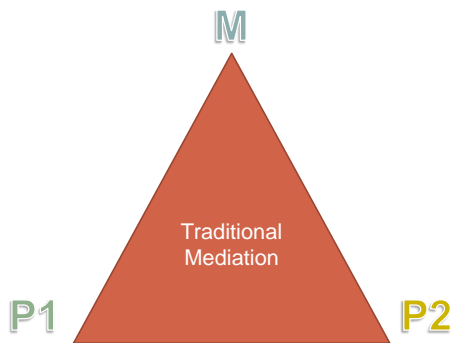
Workshop Overview

- I. Traditional Mediation
- II. Interdisciplinary Mediation
- III. Co-Mediation

Poll Group

- Are you an attorney, mental health professional, financial professional, or something else?
- Are you a mediator?
 - Evaluative
 - Facilitative
 - Transformational
- Are you a collaborative practitioner?
 - How many of you have brought in a mediator at impasse?

TRADITIONAL MEDIATION





Traditional Types of Mediation

- Evaluative
- Facilitative
- Transformational



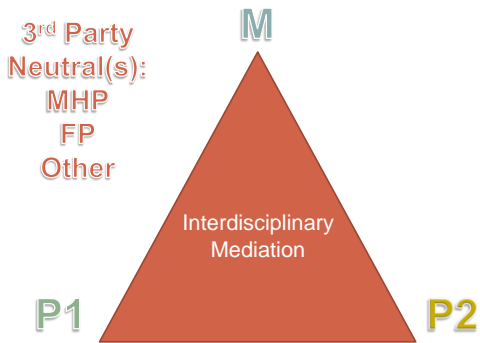
Group Exercise:

Discuss the efficacy and the
Pros and Cons
of each model of
Traditional Mediation



Are we generally happy
with the results of
traditional mediation?

INTERDISCIPLINARY MEDIATION



Working with Interdisciplinary Neutrals

- Mental Health Professionals:
 - Facilitative Coaches
 - Child Specialists
- Financial Professionals
- Other Experts

Advantages of Interdisciplinary Mediation:

Third party neutrals can bring...

- a fresh, new perspective
- unique expertise

Which can lead to...

- the ability to defuse conflict
- the ability to manage difficult conversations
- the ability to manage financial perspectives and options

Resulting in...

- an enhanced opportunity to resolve conflict in a healthier and mutually beneficial manner
- a greater probability of reaching good short-term solutions
- promoting durable long-term solutions and relationships

Disadvantages of Interdisciplinary Mediation:

- Potential increase in cost*, by using more professionals

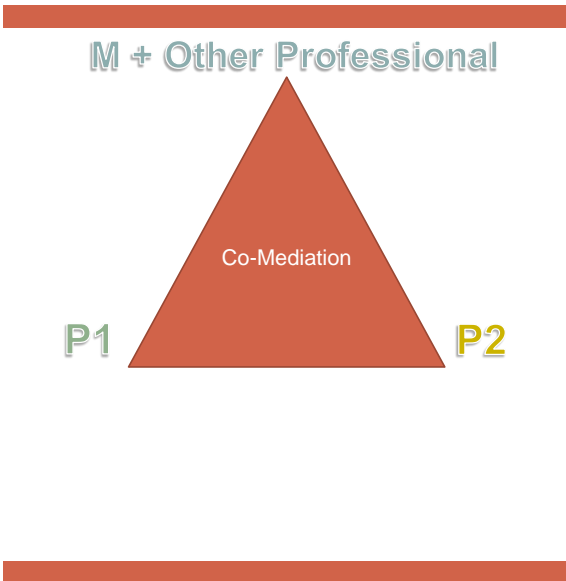
* However, the benefit of their expertise, and the fact that their fees are generally split by the parties, may outweigh the burden of the increased costs, and the result is still likely to be much faster and cheaper than litigation

- Attempts by parties to single out and alienate a third party neutral

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- What are the benefits of working with collaborative counsel in a mediation?
- What are the possibilities of working with non-collaborative counsel in a mediation?

CO-MEDIATION



Advantages of Co-Mediation:

- More than one professional means...
- multiple sets of ears miss less
 - more insight, which widens the diagnostic range to observe more data
 - ability to feed and build upon each other's skill and experience
 - Co-Mediators can be fantastic role models/mentors for less experienced professionals
- Parties get the benefit of...
- Co-Mediators can provide more attention to each individual, which can help people to feel heard better, and help to level the playing field for the parties
 - Co-Mediators can generate more options to better fit the parties' needs
 - Efficient and cost-effective - generally shorter and faster-paced than litigation, as well as other methods of alternative dispute resolution



Advantages of Co-Mediation (continued):

- Division of work before, during, and if necessary, after mediation
 - One can focus on detail and the other on the big picture
 - One can focus on emotional needs and the other on substantive matters
- Both mediators step up their game
- Potentially increased racial, ethnic, and cultural diversity, as well as representation in terms of sex/gender



Disadvantages of Co-Mediation:

- Potential for conflict between the mediators
- Increased cost*
 - * To combat this issue, consider the following:
 - Blending
 - Mediation is STILL faster, more efficient, and cheaper than litigation



Requirements for Success

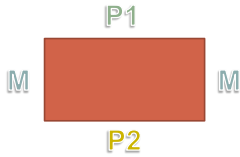
- Pick a good partner who shares vision, goals, and process
- Careful planning and preparation, including consulting with each other before making decisions, for effective teamwork
- Assign specific tasks
- Good communication between Mediators, and with Parties
- Maintain a unified focus
- Have a fall-back position
- Be flexible
- Debrief
- Support each other

Strategic Seating Arrangements

• Option A:



• Option B:



Alternatives to Co-Mediation

- Con-joint co-mediation: either all together, or in separate meetings
- Collaborative co-mediation
- Interdisciplinary co-mediation teams
- Issue allocation

Where Co-Mediation is Best Used

- High level of conflict or manipulation
 - Power imbalance
 - Complex assets
- Informational consultation
- Non-mutual decision to separate

Why multiple hats are a great and trendy thing, and what it means for your practice...

- Creation of non-traditional peacemaking services in order to create not only broader client base but more satisfied clients
- More hats equals an expansion of your practice, and therefore, your profits

Surprise Guest!

Melissa Sulkowski, R.N., M.A., LPC



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Special Thanks to:

All sources cited

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...AND to each of you for joining us and participating so
generously!
