

Quick Tips for Mediators

1. Shut up and listen (“Ripples from the Zambezi” Chapter 9 by Ernesto Sirolli)
2. Establish rapport (“Never Split the Difference” by Chris Zoss) (“Persuasion” by Robert Cialdini) (“The Art of Negotiating the Best Deal” by Seth Freeman Lecture 6 Credibility and Rapport)
 - a. Start with a hand shake (HBR June 04 2014 “To Negotiate Effectively, First Shake Hands)
 - b. Good introduction (Mediation Training)
 - c. Grinning is winning, be likable. (“Persuasion” by Robert Cialdini)
 - d. Be more interested in the parties than their problem (“Ripples from the Zambezi” Chapter 2 by Ernesto Sirolli)
 - e. Ask “What’s going on?” (“Never Split the Difference” by Chris Zoss)
 - f. Initiate small talk. See if you have a common enemy e.g. traffic in Honolulu, problems with the rail system, bloated bureaucracy.(“Getting More” by Stuart Diamond”) (“The Art of Negotiating the Best Deal” by Seth Freeman Lecture 6 Credibility and Rapport)
 - g. Be respectful of the parties and their problems. Remember it is their problems. (“Ripples from the Zambezi” Chapter 2 by Ernesto Sirolli)
3. Deal with the feelings and emotions before tackling their problems. (“Never Split the Difference” by Chris Zoss) (HBR January 2013 Negotiating with Emotion)
4. Let them solve their own problems (“The Art of Negotiating the Best Deal” by Seth Freeman Lecture 6 Credibility and Rapport) (“Never Split the Difference” by Chris Zoss)
 - a. Ask questions, let them educate you. (HBR June 27, 2014 Win Over and Opponent by Asking for Advice) (HBR Sept 2007 Investigative Negotiation)
 - b. Be respectful of their problems, do not offer your own solutions(“Ripples from the Zambezi” Chapter 2 by Ernesto Sirolli)
5. It is O.K. to nudge them towards a possible solution. Nudge them to their own solution even though it might have started as your idea. (“Nudge” by Richard Thaler)
6. Ask this question. For you, what is the other side not seeing? What are they not hearing? What are they not understanding? Then switch the question. What do you think the other side thinks you are not seeing, hearing, or understanding? (“Getting More” by Stuart Diamond”))
7. Good mediators do not put up with bad behavior (“Getting More” by Stuart Diamond) and (“The Art of Negotiating the Best Deal” by Seth Freeman)
8. Be quick to praise good behavior and any positive movement toward resolution. (Rebecca Phelps)
9. Do not figure out who is right or wrong. (lose money) (“The Art of Negotiating the Best Deal” by Seth Freeman Lecture 1)
 - a. Neutrality (Mediation Training)
 - b. Be cautious of your own bias (“Blind Spot” by Mahzarin Banaji)
10. Easy on the people, hard on the problem (“The Art of Negotiating the Best Deal” by Seth Freeman Lecture 1)
11. Ask each side to consider what they could give to the other side that the other side would value(“Getting More” by Stuart Diamond”))
12. Reality check when needed. (Various sources)
13. If and when there is a settlement ask each side “Why is this settlement good for you?” the fewer reasons they give the better. This question help minimize buyer remorse. (“Never Split the Difference” by Chris Zoss)

14. End on a positive note, even if there is no settlement and the mediation did not go well.
(“Thinking, Fast and Slow” by Daniel Kahneman Chapter 35 Two Selves)
15. Have some relevant stories or quotes which can be useful in resolving disputes, (Aesop, Twain, Ben Franklin, etc). (“The Power of Stories” Scientific American Mind Aug 2008)