

15 APRIL 2020

ADR Homework 2: Prepare a proper opening statement by mediator for mediation process.

OPENING STATEMENT OF A MEDIATOR:

Mediator : Good morning, welcome to Malaysian Mediation Centre (MMC). Please come in and have a seat. Welcome to your mediation session. Allow me to introduce myself, my name is Lisa Lau, please call me Lisa. I am a certified mediator for 10 years of experiences and training. The agenda today is I would like to assist both of you in resolving disputes such as what have been discussed earlier. Thank you for coming and committing yourself to be here today, that both of you have the intentions to settle the disputes. Now, I hope that everyone could silence your electronic devices during this mediation. What are your names and how would you like me to address you.

Lorna : Call me Lorna.

Lucas : Call me Lucas.

Mediator : Please review the Agreement to Mediate and other appropriate paperwork I have given you and if it is okay with both of you, please sign on the paper. The Agreement to Mediate provide most, if not all, of what I will be sharing with you in this, my opening statement. Also, you have agreed the fee will be paid immediately at the end of this mediation session or, if multiple sessions, at the end of each session. Also, are capable of, and can you make a decision(s) regarding the resolution of this matter, if you deem it appropriate? In other words, can you make a decision without talking with anyone not here?

Lorna : Yes, I can decide on my own.

Lucas : Yes, I can decide on my own.

Mediator: Please tell me what you think I need to know to bring

Good morning/afternoon, my name is Carmen, your Mediator for today. Welcome to your mediation session. Bear in mind that this is not a court, we are here to resolve the issues between the two of you and reach an agreement. I can see that both parties have a lawyer present, therefore I will have to remind the parties that only the lawyer can talk during the mediation, the parties may speak when asked to do so. I am here to provide you with assistance within the negotiation process as I have no prior relationship with any of you and I am impartial to the outcome of your dispute. There will be ground rules in the process: Firstly, no one talks over each other, when one party speaks, the other party listens; secondly, both parties must respect the process and my role as a mediator. Other details should have been discussed in your signed Agreement to Mediate that the lawyers showed you. Also, this process is completely voluntary, you may withdraw at any stage of the process if you wish. This mediation will be confidential as all the documents that will have been received and all the discussion we will have during the process are protected by the law and the public will have no access to them. Please ensure that each party has signed a confidentiality agreement; if not, you may do so now. I am sure both parties have some understandings about this mediation. I am going to walk you through the key steps of the process and let you know what will happen in this mediation:

1. Each party will have some time to present their opening statement and explain to the other party about what they want and why they want it.

Mediator Opening Statement Sample

Fred E. Jandt



Mediator Opening Statement Sample:

The Mediator's Handbook John W. Cooley, 2006 Mediation Theory and Practice Suzanne McCorkle, Melanie J. Reese, 2018-03-23 Mediation Theory and Practice Third Edition introduces students to the process of mediation by using practical examples that show students how to better manage conflicts and resolve disputes Authors Suzanne McCorkle and Melanie J Reese help students to understand the research and theory that underlie mediation as well as provide students with the foundational skills a mediator must possess in any context including issue identification setting the agenda for negotiation problem solving settlement and closure New to the Third Edition Expanded content on the role of evaluative mediation reflects the latest changes to the alternative dispute resolution field helping students to distinguish between various approaches to mediation Additional discussions around careers in conflict management familiarize students with employment opportunities for mediators standards of professional conduct and professional mediator competencies New activities and case studies throughout each chapter assist students in developing their mediation competency **Mediation Law and Practice** David Spencer, Michael Brogan, 2007-02-08 Mediation Law and Practice gives a thorough account of the practice of mediation from the perspective of the student and practitioner Divided into two parts it deals with both the practice of mediation and the law surrounding mediation Touching on the theory and philosophy behind the practice it further describes in a theoretical and practical sense the difference between the emerging models of mediation Mediator qualities are discussed in terms of issues of gender culture and power This book examines the important issue of mediation ethics and taking into account the developing law surrounding the practice proposes a code of ethics It looks at the future of mediation in light of the decline in litigation the rise in regulatory constraints on mediation and the popularity of online mediation Mediation Law and Practice provides students and practitioners with the complete text on the practice and law surrounding mediation **The Mediator's Handbook** Ruth Charlton, Micheline Dewdney, 1995 Practical handbook which provides guidelines on how to develop and improve mediation skills for beginners and experienced mediators Techniques and skills outlined are applicable to all types of disputes including commercial family community environmental and workplace Discusses the most appropriate strategies to apply in particular contexts Includes index Ruth Charlton is a solicitor in private practice lawyer mediator and co editor of Australian Dispute Resolution Journal Micheline Dewdney is a solicitor of the Supreme Court of NSW lawyer mediator and co editor of Australian Dispute Resolution Journal Conflict and Communication Fred E. Jandt, 2016-03-22 Conflict and Communication introduces students to important theories key concepts and essential research in the study of conflict along with practical skills for managing conflict in their daily lives Author Fred E Jandt illustrates how effective communication can be used to manage conflict in relationships and within organizational and group contexts Along with foundational coverage of conflict styles mediation and negotiation skills the text also features new and emerging models of conflict management including chapters examining the challenges of conflict

between cultures a chapter on family and organizations information on both face to face and online bullying a detailed step by step guide for mediation and more emphasis on online dispute resolution *The Mediation Process* Christopher W. Moore, 2014-04-07 The Fourth Edition of a seminal work in the field of mediation and conflict resolution For almost thirty years conflict resolution practitioners faculty and students have depended on *The Mediation Process* as the all inclusive guide to the discipline The most comprehensive book written on mediation this text is perfect for new and experienced conflict managers working in any area of dispute resolution family community employment business environmental public policy multicultural or international This is the expert s guide and the Fourth Edition has been expanded and revised to keep pace with developments in the field It includes new resources that will promote excellence in mediation and help disputants reach durable agreements and enhance their working relationships Includes expanded information on the latest approaches for providing mediation assistance Features comprehensive guidelines for selecting the right strategy for both common and unique problems Utilizes updated contemporary case studies of all types of disputes Offers expanded coverage of the growing field and practice of intercultural and international mediation Peace Skills Ronald S. Kraybill, 2001-03-02 Part of the Peace Skills Set this Manual is designed as a take home resource to support workshop participants as they return to their communities and both apply their mediation skills and share their insights with others It covers conflict analysis the role of mediation the stages of mediation communication skills and working with group conflicts and in cross cultural settings

An Asian Perspective on Mediation Joel Lee, Hwee Hwee Teh, 2009 The prevailing mediation model and process is drawn primarily from the West For a long time there has been a call for conflict management approaches that are more appropriate for the Asian context This book answers the call by identifying cultural values and norms that affect how conflicts may be perceived through Asian lenses and how conflict management processes and practices should be structured Family Mediation in Europe Council of Europe, 2000-01-01 The conference brought together over 350 people with a professional interest in family mediation The Council of Europe recommendation R 98 1 encourages member states to introduce promote and strengthen family mediation as an appropriate process for the resolution of family disputes particularly those involving children in marital separation and divorce The Conference proposed increasing promotion of mediation assistance for cross border mediation training and accreditation of family mediators assisting states to adopt family law practices that reduce family disputes **The Mediation Handbook** O. Russel Murray, 2011-10-20 **Mediation Representation** Harold I. Abramson, 2004 **International Commercial Mediation** Cyril Chern, 2020-11-25 International Commercial Mediation is a practical guidebook that explains how to handle and complete a mediation as well as how to personally market the skills developed as a mediator The book provides examples supplies forms and explains procedures of actual working mediations which can be used to adapt to individual needs It also deals with advanced practitioner issues and the emerging law on international mediation *Linking Discourse Studies to Professional Practice* Lubie Grujicic-Alatrisme, 2015 This book

examines how discourse analysts could best disseminate their research findings in real world settings Each chapter presents a study of spoken or written discourse with authors putting forward a plan for how to engage professional practice in their work using this volume's Framework for Application Community Mediation Karen Grover Duffy, James W. Grosch, Paul V. Olczak, 1991-04-26 In recent years the mediation movement has seen tremendous growth with significant advances being made in both research and practice Despite these advances researchers and practitioners have remained relatively isolated from one another Bridging the gap COMMUNITY MEDIATION is dedicated to the mutual education of both researchers and mediators It makes the findings of research accessible to practitioners and the issues of concern to practice available to researchers Thus this handbook affords researchers an excellent opportunity to learn more about actual techniques and enables practitioners to benefit from the latest research in the field **Manual on Commercial Leasing in Troubled Times**, 2009 **When Push Comes to Shove** Karl A. Slaikeu, 1996 In a world where disputes increasingly erupt into lawsuits or violence at home in the workplace in schools and between nations conflict resolution skills are critical to both trained mediators and other professionals When Push Comes to Shove offers a clear how to guide for lawyers managers human resource professionals clergy social workers and anyone who wants to learn how to resolve interpersonal and intergroup disputes in all areas of life The Commercial Mediator's Handbook Cyril Chern, 2014-09-19 Mediation as a method of dispute resolution is well known and practised worldwide and this book provides the knowledge necessary for those actively involved in mediation work as well as for those who need to learn the process This is an invaluable guide on how to mediate what forms should be used and what techniques can be applied by the mediator to obtain a successful result It also provides essential guidance on how to deal with large complex international commercial disputes and their effective administration Key features of this book include In depth discussion of both the existing and historical international case law on mediation including its history under the British Common law European Civil law and Muslim Shari'ah law Analysis of the differences between the various forms of mediation agreements with sample wording to add to or modify these forms as needed In depth discussion of the ethical requirements relating to mediation and mediators Sample forms for use in commencing mediation In depth discussion of actual mediations how they should be conducted techniques to use and sample forms General forms for use in complex international mediation form agenda and mediation statements Mediator disclosure forms questionnaires for potential mediators and parties and comparison of mediation agreements and sample forms Discussion of how to effectively use witnesses and the preparation and presentation of witness statements in mediation International case studies with statements of claims and responses This book will be essential reading for those involved in international commercial and construction mediation **Becoming a Mediator** Peter Lovenheim, 2002-03-07 Most mediators feel that helping people end conflicts is special work and they're sustained by rewards beyond money praise or fame But with no obvious career path and no prescribed courses to take or degrees to earn how does one become a mediator

Whatever your background whether in law social work teaching psychology business homemaking or parenting you can become a mediator and find a satisfying career says Peter Lovenheim *Becoming a Mediator* shows you how offering a practical nuts and bolts guide to breaking into the field and a no nonsense approach to the reality of current professional opportunities Drawing from the experiences of actual mediators as well as from his own many years of work as an attorney and mediator Lovenheim not only provides a vital resource but also conveys the sense of mission mediators feel for this emerging new profession

Victims of Crime and the Victimization Process Marilyn McShane, Frank P. Williams III, 2013-12-16 Volume 6 in the 6 volume series titled *Criminal Justice Contemporary Literature in Theory and Practice* This compilation of articles attempts to fill gaps in existing resources with some of the best current statements on the topic Subjects include the characteristics of victims the effects of crime on victims and some contemporary theories of victimization Also included are evaluations of a variety of victim oriented policies and programs such as victim assistance peace making and victim impact statements This title will be of great utility to students scholars and others with interests in the literature of criminal justice and criminology

Conflict Resolution at Work For Dummies Vivian Scott, 2009-12-09 A practical workplace guide to handling conflict effectively Managing employees and encouraging them to work together toward a common goal is an essential skill that all leaders should possess *Conflict Resolution at Work For Dummies* provides the tools and advice you need to restore peace train your colleagues to get along better with others prevent conflicts from ever starting and maintain better productivity while boosting morale One of the only trade publications that takes the manager's perspective on how to address conflicts resolve disputes and restore peace and productivity to the workplace Examines more positive means for resolving conflicts other than arguing surrendering running away filing a lawsuit etc Helps managers and employees sort through problems and make the workplace a more rewarding place No manager should be without *Conflict Resolution at Work For Dummies*

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Table of Contents Mediator Opening Statement Sample

1. Understanding the eBook Mediator Opening Statement Sample
 - The Rise of Digital Reading Mediator Opening Statement Sample
 - Advantages of eBooks Over Traditional Books
2. Identifying Mediator Opening Statement Sample
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Mediator Opening Statement Sample
 - User-Friendly Interface
4. Exploring eBook Recommendations from Mediator Opening Statement Sample
 - Personalized Recommendations
 - Mediator Opening Statement Sample User Reviews and Ratings
 - Mediator Opening Statement Sample and Bestseller Lists
5. Accessing Mediator Opening Statement Sample Free and Paid eBooks

- Mediator Opening Statement Sample Public Domain eBooks
- Mediator Opening Statement Sample eBook Subscription Services
- Mediator Opening Statement Sample Budget-Friendly Options
- 6. Navigating Mediator Opening Statement Sample eBook Formats
 - ePub, PDF, MOBI, and More
 - Mediator Opening Statement Sample Compatibility with Devices
 - Mediator Opening Statement Sample Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Mediator Opening Statement Sample
 - Highlighting and Note-Taking Mediator Opening Statement Sample
 - Interactive Elements Mediator Opening Statement Sample
- 8. Staying Engaged with Mediator Opening Statement Sample
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Mediator Opening Statement Sample
- 9. Balancing eBooks and Physical Books Mediator Opening Statement Sample
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Mediator Opening Statement Sample
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Mediator Opening Statement Sample
 - Setting Reading Goals Mediator Opening Statement Sample
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Mediator Opening Statement Sample
 - Fact-Checking eBook Content of Mediator Opening Statement Sample
 - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development

- Exploring Educational eBooks

14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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