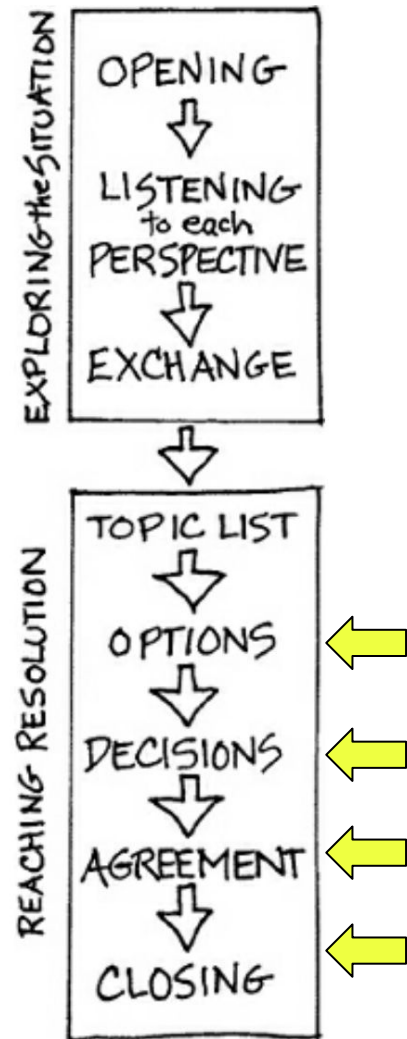


1:45pm-2:15pm

Options, Decisions, Agreement Writing and Closing



Generating Options

Questions to elicit ideas:

- What else might work?
- What can you offer that you think the other party might be able to live with?
- Gina has mentioned a few ideas. What are some of yours?
- Let's make a quick idea list here—even ones that seem unrealistic. . .
- What's already working well that you could build on?
- Imagine you are getting along well again. . . . what does life look like?
- If you had all the money and time you needed, what solutions might you try?
- Ideally, what do you hope Topic X will look like in the future?

Generating Options

The Options phase sorts through ideas and options to find acceptable solutions for each topic on the Topic List.

If they have already rejected customary solutions or the other party's proposals, they will need to come up with new ideas. Mediators are especially useful at this point, because parties can have a hard time being inventive and flexible if they are still in adversarial mode. A respectful or playful approach can help reduce the risk of exploring fresh ideas.

Insist that they come up with several ideas before evaluating any. Then help them explore how the most promising ideas might be adjusted or combined to meet their interests, to test that they're workable, to make sure they feel right.

This approach can help unlock the parties from the typical zero-sum mindset of human beings in conflict—that anything my adversary wants must be bad for me; that anything I like they'll automatically oppose; that agreement must mean compromise and concessions.

Evaluating Options

Use this testing sequence for each serious option (and again later for reviewing the whole agreement). If someone reacts negatively to an idea, probe a bit, but don't belabor it—OK, let's move on to another suggestion.

1. Gut response is a quick assessment of whether the idea is promising or objectionable—is it worth discussing further?
2. Fit with interests means, “Does this move them towards creating the kind of situation or future they want?”
3. Workability means whether the option is doable, whether they will be able to make it work.

Evaluating Options and Making Decisions

Use this testing sequence for each serious option (and again later for reviewing the whole agreement). If someone reacts negatively to an idea, probe a bit, but don't belabor it—OK, let's move on to another suggestion.

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Evaluating Options and Making Decisions

Some questions that might help people process whether they are comfortable/ready to sign an agreement.

- Have we covered everything?
- Is there any piece of this you're uneasy with?
- Can you live with this over the long haul?
- Can you picture yourself doing this?
- Will it feel okay to tell your friends and family about this decision?
- Does anyone have unfinished business they want to bring up?
- Are you comfortable signing a binding agreement today?

Agreement Writing

A written document:

- Makes it more likely that their final agreement is specific, complete, and mutually understood.
- Confirms that everyone understands the promises they are making.
- Reinforces a sense of seriousness and commitment.
- Reminds people afterwards what exactly they agreed to, and may avert fresh arguments. •Is tangible evidence that they accomplished something together, and marks a clear end to the mediation process.

Closing

Purpose of a thought-out closing

Emotions can run high, even euphoric, at the end of a final session. Participants may feel relieved, wary, sad, excited, disappointed, and tired, all at once. The Closing is a time to acknowledge these feelings and to bring the mediation to a positive close. It allows for catching loose ends, having a ritual to confirm the agreement, transitioning to next steps, and taking a moment to reflect on how much they have accomplished together.

1:45pm-2:15pm

Options, Decisions, Agreement Writing and Closing

Questions?

