

Mediator's Pause

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The purpose of the Mediator's Pause, during a mediation session, is to give the disputants a chance to say things that they may be uncomfortable saying in the mediation.

When to use the "Pause":

- There is an impasse or stall in the mediation.
- There is a potential for violence.
- When disputant(s) are being difficult.

How to use the "Pause":

Before the mediation begins, the mediator's discuss the areas they may them to be uncomfortable in a mediation. The mediators decide on a signal or word where they need to take a pause.

What is the purpose of the pause?

The pause can be short (5 minute break) to talk to each other and/or the coordinator or can be long where the mediators meet individually with the disputants. If a long break is needed to talk to the disputants, mediators should follow these guidelines.

- Tell the disputants that the rules of confidentiality are the same.
- Point out behavior that was observed that caused the pause.
- Tell the disputants that information shared during this time will not be shared in the mediation unless permission is given.
- Attempt to convince the disputant to tell the other person what they need to happen to solve the conflict.
- Summarize what has happened up to this point and the progress made to get a conversation going with the party.
- Add if they would like to add anything to that information. This may allow the person to let off steam or say something they were too embarrassed or scared to share in the joint session.
- Find out what that person is feeling and what his or her needs are to make an agreement.
- Ask the person what he or she can do to resolve this issue. At this point you can ask them what happens if you cannot resolve this dispute and if they are okay with the results.
- Ask the person if he or she is willing to share the information from the pause in the joint session.
- Summarize the information you learned from the disputant:
- Before ending, ask the person if there is anything you should not share in the joint session.

Adapted from SCORE, Massachusetts Office of Attorney General