

Questions to Ask the Mediator

Key questions to ask the mediator

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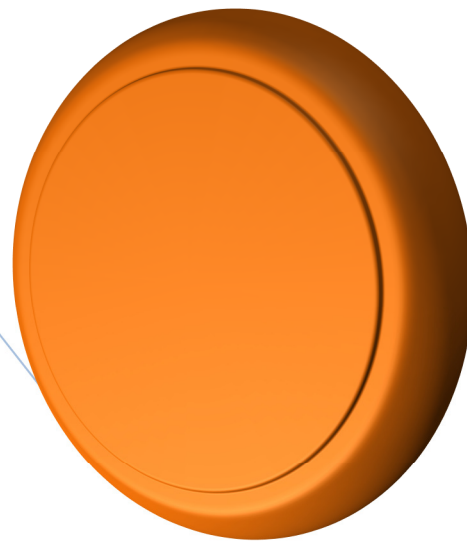


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Questions To Ask the Mediator?

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Introduction

Making the decision to enter into mediation is a serious one. You want to make certain that you have chosen the right person for the job. Selecting the right mediator means asking someone you are considering hiring certain questions beforehand.

Do not feel reticent about doing this. It is okay to ask the mediator if conflict resolution is right for you. Different issues require different solutions, and conflict resolution isn't right for everyone. To determine if conflict resolution is right for you, you will want to explore the following questions with the mediator you are thinking about hiring.

This article is designed to help you in the process.

Critical Questions to Ask the Mediator

These vital questions include:

- Is my situation right for mediation?
 - This is the first question that must be asked when considering conflict resolution, and exploring this with the mediator is a good way to not only find out if conflict resolution is right for you, it's also a good way to uncover your motivations for seeking a mediator in the first place. You can find out if you are looking for a resolution to your problem, or perhaps trying to uncover the truth or seeking revenge. Understanding your motivations can be important in knowing whether conflict resolution is the right process for you.
- Can the parties involved in the conflict attend mediation?

- It is often better if the parties involved can attend mediation in person, although mediation is sometimes conducted without all parties present in person. If both parties can't attend the mediator may advise against conflict resolution.
- Is there a big difference in power between the parties involved?
 - Sometimes if one participant holds much more power than the other in the relationship, mediation can prove intimidating and difficult for one or both parties. Therefore, it is important to ask if a shuttle mediation process would help in your case.
- What are you looking to have happen in the mediation session?
 - Mediation isn't a place to uncover the truth of what happened in a relationship or situation, or to decide who is to blame and punish them. A mediator's job is to help facilitate discussion between parties to reach decisions on important issues. If you are interested in something other than resolving issues then mediation may not be right for you and the mediator may advise against going ahead with the process.
- Can the mediator legally mediate this issue?
 - A mediator is not a lawyer. The mediator does not resolve the dispute. You do. You will be guided by the mediator and she will ask critical questions to move the process toward a solution. She will ensure that the interests of both parties are identified, the issues are clarified, the potential solutions are outlined, and agreements are reached in a collegial manner.
- What are her professional qualifications? The mediator will be advising you on how to handle sensitive and personal matters, so you want to find someone who is well qualified. Things you need to ask are:
 - What is her education?
 - What are her certifications?
 - Can she provide a list of professional references?

- You also want to ask how many mediations the mediator has conducted.
 - Is the mediator you are considering experienced or new to conflict resolution? There isn't anything wrong with hiring someone new to mediation. What is most important is your comfort level and your confidence in the person you ultimately hire.
- It is also wise to ask someone you are thinking about hiring how she typically conducts her mediation sessions.
 - How long do the sessions usually last?
 - Are there certain things she expects from you, such as coming in for pre-session interviews or for you to provide additional information before mediation?

The Mediator's Process

You will want to ask what issues will be discussed and how they will be discussed. You are essentially in charge of the outcome of your mediation session, and you need to make sure that you are comfortable with how your potential mediator plans to conduct the session. You do not want to be surprised when something you didn't expect suddenly comes up for discussion. You also want to ask how your mediator will handle sensitive or unforeseen occurrences, such as if the other party brings up topics that are deemed off limits.

Another question you want to ask is if the mediator you are considering will assist the parties to write up a settlement agreement at the conclusion of mediation. This agreement is standard for mediation and indicates that the parties in the mediation will abide by the terms agreed to during mediation; however, not all mediators put the final terms in writing. It is important to determine if the mediator you are planning to hire does or does not do this.

Other Critical Questions to Ask

There are other questions which do not relate to the process of mediation itself, however, they are essential for your own comfort level.

- Prior to the Mediation
 - Will issues require investigation prior to mediation? Sometimes this may preclude mediation from taking place if investigation is extensive, although this isn't always the case. However, if investigation is necessary, you will need to know, and you will need to know if you are responsible for charges for an investigator.
- Time and Place
 - Where will mediation take place? Mediation may take place in one of the mediator's offices, or in a neutral location agreed upon by both parties.
- Costs
 - Ask how much the mediator you are thinking of hiring charges and what the charges specifically include.
- Confidentiality
 - Additionally, make sure the mediator has a practice of asking all parties to sign a confidentiality statement, as mediation is confidential.

Final Comment

In summary, asking the mediator you are about to hire questions beforehand to make certain you are getting the person who is right for you and your specific situation may save you a lot of heartache later on. Mediators expect that you will want to know as much as possible about the process before you enter into it, and any reputable mediator will welcome the questions you bring to the table before negotiating begins.