MEDIATION ACADEMY · LIVE WEBINAR

Crash Course on Mediation

Strategies, Tactics & Techniques

One framework, two big ideas, and a real session walked from start to finish.

Presenter copy — full script in the notes pane / accompanying document

What you'll walk away with

1 One framework

Strategy, tactic, technique - the three words that give a session its shape.

2 Two power ideas

Active listening as your currency, and the 'domino' - the issue that quietly blocks everything.

3 The session, stage by stage

Straight off our Academy cheatsheet, from your opening words to a written agreement.

4 The difficult moments

Interruptions, power imbalances, raw emotion, and the apology that has to land just right.

Three levels - gameplan, move, skill

Strategy *The gameplan*	What's the broad direction?	**“De-escalate the conflict.”**
Tactic *The move, right now*	What do I do at this moment?	**“Pause the joint session, meet them one at a time.”**
Technique *The practical skill*	How exactly do I do it?	**Active listening, acknowledging emotion, reframing.**

Active listening is your currency

A party says:

"He never cares about the kids. He only wants them when it suits him."

You reflect back:

"It sounds like you're worried about consistency for the children, and that it's affecting them."

That one move:

1. Removes the blame
2. Names the real concern
3. Points everyone at the children

Build rapport now, spend it later - to challenge a belief or ask for a concession. Stay neutral: acknowledge the emotion, don't endorse the position.

Try this week: *phone someone you've drifted from and just listen, reflect, empathise - that's the whole skill.*

The hidden issue that blocks everything

Some issues get discussed openly. Others sit under the table and silently stop progress. **Find that gatekeeper issue, deal with it safely, then go back to the practical stuff.**

SURFACE DISPUTE	THE DOMINO UNDERNEATH
Divorce	An affair nobody's naming - betrayal, humiliation
Parenting	A new step-parent - fear of being replaced
Maintenance	Non-payment - shame, resentment, money fear
Inheritance	An old sibling wound - favouritism, recognition

Try this week: *next family argument you witness, ask yourself - what's the real thing nobody's saying out loud?*

Spot it - then handle it gently and in private

Signs a domino is in the room

- They keep circling back to the same thing
- One issue 'contaminates' every other
- Their resistance is bigger than their logic
- Shame, guilt or fear sits under the words
- They need acknowledgement before they'll move
- They use a practical issue to carry the pain

Handle it - gently, and in caucus

Take it to a side meeting - people say things alone they'd never say across the table.

Ask, softly:
“What's the one thing that matters most to you?”
“What would need to be acknowledged before you could move forward?”
“Is there something you feel they just don't understand?”

Sticky-note tip: *write 'domino' next to your webcam. It keeps asking the only question that matters.*

THE PROCESS

The whole mediation session

0 — Preparation

Study the file; arrive calm and present.

1-2 — Introduction & agenda

Set the tone; turn statements into a neutral list.

3-5 — The fluid middle

Explore, generate options, reality-test options.

6 — Negotiation & consensus

Detail it, confirm it, record it.

#	Stage	Deliverables	Examples	Tips	Common Mistakes
0	**Preparation**	Prep: 0.1 **Documentation** 0.2 **Mentally**		- Read **previous agreements**, **court orders** - Practice **being in the "now"**	- Trying to keep a zillion concepts in your head - **Not** being **fully present**
1	**Introduction & opening statements**	±45-90 Second **introduction** which sets the tone for the rest of the discussion & covers: 1.1 **Welcoming** 1.2 **Confidentiality** 1.3 **Neutrality** 1.4 **Voluntariness** (**legal opinion** before signing) 1.5 **Opening statements** (no **benefit** to going first)	*1.1 "Thank you for **being here**."* *1.2 "What we discuss today is **confidential**."* *1.3 "My role is to help you explore solutions while remaining **neutral**, and we'll explore different options to arrive at a good settlement for both sides."* *1.4 The process is **voluntary**: I won't force you to do anything and you're welcome to get a **legal opinion** before you sign any agreements."* *1.5 Next, I want to ask each of you for brief **opening statements**. Let's start with [Party X]. Now there's **no benefit to going first**. [Party X] what are the **key issues** we need to resolve today?"*	- Practice on **camera** / in the **mirror** - Keep this **cheatsheet** open on screen - **Photo** of family member or friend - **Move from formal ⇨ informal** between stage 1 and stage 3	- **Not rehearsing** the introduction - **Waffling / fluffing** the introduction with unnecessary statements - Skipping **deliverables** - Sounding like you're **reading**
2	**Agenda setting**	2.1 **Record** all agenda points 2.2 **Summarise** all agenda points 2.3 **Check** for missed points	*"Thank you, [Party X]. To **summarise**: your **agenda points** are:* *1. **Contact** arrangements,* *2. Division of the **assets**, including the house and the cars, and* *3. The **outside relationship*** *"Did I **miss any points**? Ok, [Party Y], what are the **key issues** we need to resolve today?"*	- **Record 1-2 words** per point - **Filter for content**, skip context - **Neutralise** (e.g. "cheating" ⇨ "outside relationship") - **Don't fluff / explain** - **Don't explore** - Identify **dominoes** - Manage **interruptions**	- **Missing** agenda points (look for implied meaning) - **Introducing** agenda points - Fluffing / explaining agenda points - **Not checking** for missed points - **Exploring** before setting a clear agenda - Losing **composure**
3	**Exploration**	3.1 Establish the **status quo** 3.2 Explore **dominoes & agenda points, using**: (a) **Joint sessions** (b) **Side meetings**	- ***Joint sessions* (status quo)**: *- "Are you both living in the family home?"* *- "How often are you seeing the children [Party X]?"* *- "When was the last maintenance payment received [Party Y]? How much was paid?"* - **Side meetings (targeted exploration)**: *1. [to both parties] "I'd like to chat with **[Party X] first**, then we catch up immediately **afterwards [Party Y]**."* *2. [to Party X, start with] "What we discuss in side meetings are **confidential**."* *3. [to Party X] "What's the **one thing that matters the most** to you?"* *4. [to Party X, end with] "Is there any of this that I can't take back into the **joint session**?"*	- Ask **short, open-ended questions** to flesh out dominoes & agenda points - Build **rapport** in side meetings - **Normalise** emotions, not positions / conclusions - **Reframe** negative statements ⇨ neutral questions - Mediate with **certainty**, not asking "is it ok if… ?" - Avoid using *"how do you feel about …?"*, rather use ***"give are your thoughts on …?"***	- Asking ***"how do you feel about …"*** - **Leaving questions hanging** and then not reaching a conclusion - **Exploring all issues** ⇨ exploring domino + big issues - **Making statements** instead of asking questions - Statements lack **purpose** - Questions lack **direction**
4	**Option generation**	4.1 Let the **parties** generate **options** 4.2 Move from **positions** ⇨ **interests**	*- "I want you to skip forward in time, **2 years** from today. The divorce is behind you, you have an amazing **relationship with your children**, and you have a good working **relationship with your ex**. **Help me to see what you're seeing.** What does your life look like in **2 years**? Where do you **live**? Are you **married, single, dating?**" [Party X responds] "Ok, **how do we get there?**"* *- "What **suggestions** do you have for resolving this issue?"*	- **Let the parties vocalise** options - Minimise giving **solutions** - **Reframe** [side meeting]: Put the parties in each other's shoes - If stuck, go back to **best interests of the children** - Move from power & rights to **interests**	- Getting stuck on **positions** - **Suggesting solutions** too quickly - Failing to **connect options** to the parties' underlying interests
5	**Reality-testing & evaluation**	5.1 **Reality-test** beliefs 5.2 **Evaluate** options for practical implementation 5.3 **Best interests of the children**	*- "How would this **affect the children**?"* *- "What **complications** could occur?"* *- "What happens **if she cannot comply**?"* *- **"If we don't reach an agreement** today, what is the next best solution?"*	- **Reality-test** - **BATNA/PATNA/WATNA** - Create an environment where it's **ok to be wrong**	- Avoid **cross-examination** - **Not challenging** the parties' beliefs
6	**Negotiation & consensus building**	6.1 (Usually) in a **joint session**: (a) Reach **agreement** on care, contact, maintenance, division of marital property (b) Reach an **interim agreement** if there is not enough time to address everything 6.2 **Confirm & record** points of agreement	*- [Side meeting] "What could you offer in return for that **concession**?"* *- [Side meeting] "Would you consider **apologising** for that part of the conflict?"* *- "Which of these options are **most workable**?"* *- "Is there a possible **middle ground**?"* *- "What remains **unresolved**?"* *- [When closing the session] **"Let's confirm what we agreed today."***	- Ask for **apologies** (where appropriate) - **Mutualise** common interests - **Trade concessions** (whether overtly or covertly) - **Thank** the parties for **concessions** *"that's big of you, thank you"*	- Ignoring **common interests** - **Not** addressing **risks** - **Not** discussing **details**

Mary & Katlego — introduction and agenda

The case

Separated; fighting over a parenting plan. Two kids (9 and 6). On paper it's about contact - Mary has been withholding Katlego's weekends.

What you hear:

“I don't see why he gets the kids every second weekend.”

You record, neutrally: “contact arrangements” — and you listen for what's really driving it.

Strategy	Structure the session and de-escalate; start banking rapport.
Tactic	Short, warm intro; invite openings; turn them into a neutral agenda.
Technique	Active listening, neutralising language, summarising back.
Domino	Identified: Katlego is 2 maintenance payments behind.

Exploration and option generation

In Mary's caucus

“Why should he get weekends with the kids when he's stopped supporting them?”

There's the domino: the withheld contact was never about the schedule - it's the unpaid maintenance.

Future-pace Katlego:

“Skip forward six months from now.”

Strategy	Domino-first, then interest-based: deal with the arrears, then needs.
Tactic	Status quo in joint; split to caucus; let them generate options.
Technique	Status-quo & targeted questioning, reframing, future projection.
Domino	Surfaced in caucus: the withheld contact is really the arrears.

Reality-testing and a workable agreement

Reality-test, gently

Can Mary make accept R4,000 maintenance p/m instead of the R5,000 p/m she received before?

What happens if we don't reach an agreement today?
BATNA/PATNA/WATNA

Katlego commits to a workable plan - and Mary's reason to withhold contact falls away.

Consensus: R4,000 by the 1st + a plan for the arrears; contact resumes on alternate weekends + midweek sleepover. Confirmed and recorded.

Strategy	Reality-based settlement; build it issue by issue.
Tactic	Test the plan; confirm detail.
Technique	Affordability + reality testing, detail clarification, recapping.
Domino	Resolved: a workable maintenance plan → contact reopens.

Option generation & reality-testing

Option generation

Move them from positions to interests:
Position: “the kids every weekend.” Interest: “real, involved time.”

Let them generate the options - buy-in comes from solutions they own.
Future projection: “skip forward two years…” then “how do we get there?”

Reality-testing

Spend your rapport to challenge a belief - kindly.
“What happens if she can't comply?”
“Is it affordable? Will it still work next year?” (sustainability)
“If there's no deal today, what's your next best option?”

It's not cross-examination. Make it safe to be wrong.

Plus active listening — our foundation. *Three techniques you can lean on tomorrow.*

The rest of your techniques

Listening & rapport

*Active listening**, reflecting, empathic acknowledgement, emotion labelling, normalising, strategic silence, non-verbal attending

Framing & language

Reframing, neutralising language, content filtering, summarising, redirection

Questioning

Open-ended, circular, priority, interest elicitation, status-quo, perspective-taking, targeted

Options & the future

*Option generation**, brainstorming, future projection, working backwards, issue chunking, sequencing

Testing & risk

*Reality-testing**, consequence, contingency, implementation, affordability, sustainability, risk, BATNA

Settling & repair

Apology coaching & rehearsal, detail clarification, agreement recapping, positive reinforcement, concession trading

** We unpacked these three. Don't memorise the list — pick three, master them, add one technique at a time.*

The apology play

1. Check: is the apology actually the domino?
2. Explore - is the remorse genuine?
3. Invite it, privately, in caucus
4. Rehearse it - strip out every 'but you also…'
5. Decide who's present and who raises it
6. Prepare them for a bad reaction
7. Deliver in joint session, then back to business

Golden rule: never ask the aggrieved party if they'd like an apology. Let it come as a surprise.

YOU ASKED FOR THIS

The difficult moments

Interruptions

Let them run out of steam. Wait 2-3 (awkward) seconds. “We'll come to that - please continue.” Still going? Split to caucus, no lecture.

Power imbalance

Money, status, confidence. Use caucus to hear the quieter party.

Raw emotion / accusations

Don't debate accusations in joint session. Take the heat to caucus. Reframe, normalise, redirect to the agenda.

The party who won't budge

Back to interests and the kids' best interests. Future-pace. Reality-test their alternative. Bank an interim win.

How it all moves across Stages 1–6

Your STRATEGY shifts as the session moves

1–2	3	4	5	6
De-escalate & structure	Explore & check for dominoes	Interest-based options	Reality-based settlement	Repair & consensus

...and the DOMINO runs underneath the whole way

Spotted (agenda) › **Identified** (caucus) › **Resolved** (the payment plan) › **Falls away** (contact reopens)

Tactics and techniques change at every step — but the three words, and the domino, are always your compass.

The bottom of the cheatsheet — how you keep growing

7	Learning	Follow the guidance and instruction — stay coachable.
8	Reflection	Debrief honestly after every session: what worked, what didn't?
9	Post-qualification readiness	Keep your skills sharp and current for real, paid work.
10	Presentation	Show up professionally — calm, prepared, credible.

These four sit below Stages 1–6 on the cheatsheet — they're about you, the mediator, not the session.

Thank you

Questions — and where to go next

Find the domino. Build the rapport. Spend it on the hard conversation.

Want to take this further? This is exactly what the Academy's full training is built for.