

| # | 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 me your thoughts on...?" | - Leaving questions hanging and then not reaching a conclusion - Exploring all issues in one go ⇒ exploring domino + big issues - Making statements instead of asking questions - Statements lack purpose - Questions lack direction - Asking "how do you feel about...?" instead of targeted exploration or "would this be a workable solution? " |
| 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 - Asking "would you be willing to..." - 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 |

| # | Metric | Deliverables | Tips | Common Mistakes |
|----|------------------------------|---|--|--|
| 7 | Learning | Follow guidance & instruction | - Write down errors , then write down strategies & tactics for improvement | Ignoring guidance |
| 8 | Reflection | Demonstrate self-reflection post-mediation | | Lacking self-reflection |
| 9 | Post-qualification readiness | Demonstrate capability | - Ideal mediator-talking-time = 5%-20% , keep the parties talking in an exploratory / constructive mode for the other 80%-95% | - Wasting time with unnecessary statements - Approach your session as a structured discussion |
| 10 | Presentation | Present professionally | - Place both feet on the ground and lean back slightly - Belly breathing | - Eating on camera - Unprofessional presentation |

Numbering explained:
Numerical sequences: 1, 2, 3, ...
Options: (a), (b), (c), ...

